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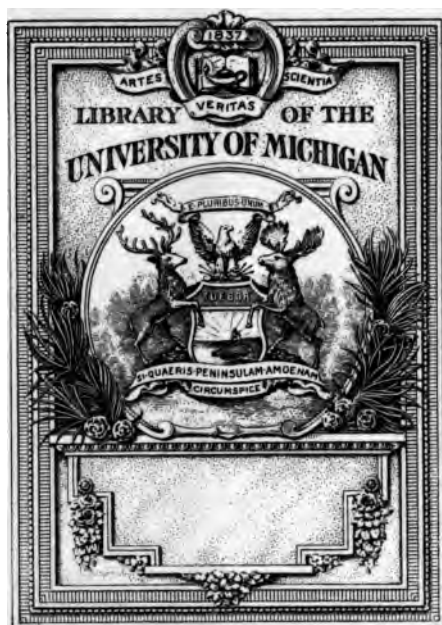
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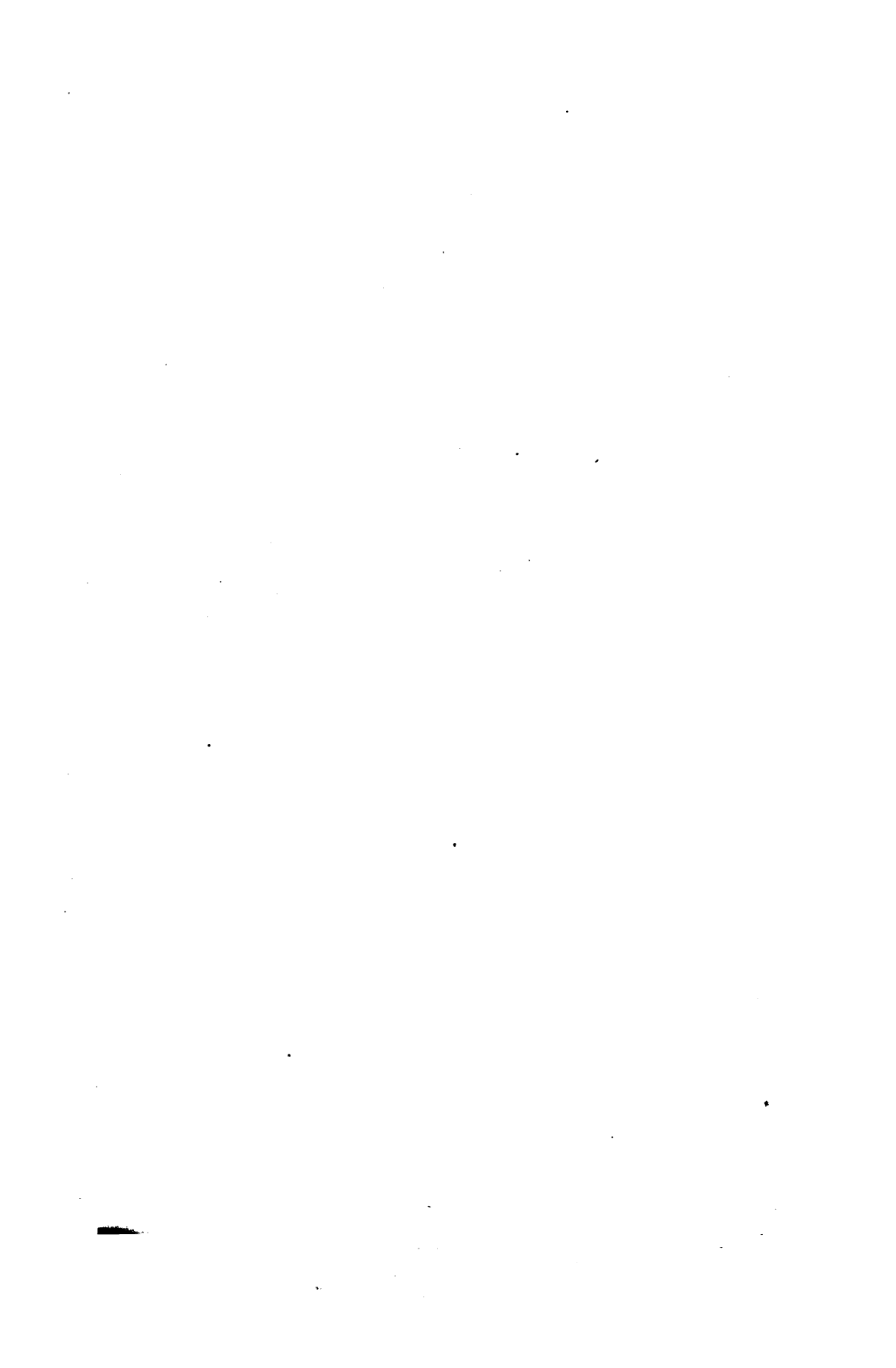
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Bullock - address
to people of Georgia

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ADDRESS

— OF —

Rufus B. Bullock

TO THE PEOPLE OF GEORGIA.

A Review of the Revolutionary Proceedings of the
late Repudiating Legislature.

THE SLANDERS AND MISREPRESENTATIONS OF THE
COMMITTEES EXPOSED.

A REPUBLICAN ADMINISTRATION

CONTRASTED WITH THE CORRUPT AND RECKLESS ACTION
OF THE PRESENT USURPING MINORITY, UNDER
THE LEAD OF GENERAL TOOMBS.

OCTOBER, 1872.

198 Jan R

TO THE PEOPLE OF GEORGIA.

Since resigning the Office of Governor, to which a majority of your voters had called me, now nearly a year ago, I have kept silent, although the partizan news papers have been daily filled with the most slanderous attacks upon my political and personal character, and nearly every democratic orator in the State and in the country, has been heaping the most unfounded abuse and calumny upon me.

It was a hard task to thus hold my peace; but justice to myself and my political friends demanded that I should not engage in any undignified newspaper contests, or descend to personal acrimonious debate with private individuals.

It was clearly my duty to endure in silence the odium that was in this manner sought to be put upon me, until, if ever, the only body which could assume lawfully to pass judgment upon my official acts, should have duly presented charges against me; and I have been ever ready to meet such charges so made, and to prove by incontestible evidence, the perfect rectitude of all my official conduct or personal transactions while in office. This self imposed silence has only been broken in two instances, and that during the last month. The inducement in the one case being to show the injustice of holding Gen. Grant responsible for my alleged maladministration, and in the other case, to notice the special notoriety which had been given to these allegations by Mr. Horace Greeley.

When the General Assembly appointed a committee, under resolutions approved by my republican successor, Governor Conley, "to investigate the

official conduct of Rufus B. Bullock," I hailed the appointment with pleasure, and I indulged the hope, (a vain hope as the sequel showed) that the time had arrived, and the opportunity had at last arisen, when I might with propriety be heard.

Accordingly on the very first day that the Committee met and organized, my Attornies, at my request, addressed the following communication to its Chairman:

ATLANTA, January 2, 1872.
HON. J. C. NICHOLLS, }
Chairman, &c. }

Dear Sir: The undersigned have been retained by Rufus B. Bullock, late Governor of Georgia, as Counsel to represent him before your Committee, in the investigation of his official conduct. We ask the privilege of appearing for that purpose, and beg leave to state that we are instructed by Governor Bullock to court the fullest scrutiny of his official conduct while acting as Governor of this State.

Very Respectfully,
GARTRELL & STEPHENS,
ROBERT H. BROWN,
Att'ys at Law.

After a delay of ten days, my Attornies received the following reply dated the 11th of January, 1872.

Georgia Legislature, Senate Chamber, }
Atlanta, Ga. January 11, 1872. }
Gen. L. S. Gartrell and R. H. Brown, Atlanta, Ga.

Gentlemen: The Committee have had under consideration your letter asking that you be allowed to represent, as Counsel, Rufus B. Bullock, before the Committee. In the opinion of the Committee such representation at this time, might seriously embarrass the purpose for which the inquest was instituted.

You are notified that the Committee will cheerfully receive and consider any facts you may see fit to submit, germane to the work with which they are charged. The Committee further notify you that they desire that Rufus B. Bullock come before them, and that they will patiently hear and impartially consider any ex-

planation of his official conduct that he may lay before them. Very Respectfully,

J. C. NICHOLLS, Chairman.

Thus from the outset it became apparent that I was not to be allowed a fair hearing before this Committee, denied the constitutional right of being heard by counsel, and cited to appear personally before them to explain my official conduct—the Committee, taking it for granted on the start, without investigation—and thus prejudging the whole matter—that my official conduct needed explanation.

You will also observe that no specific charges are made in the communication of the Committee to my Attornies, nor is any one or more of my official acts pointed out as being such as required explanation.

Well does the Chairman say in his letter that to allow my counsel to appear before them on my behalf, and to cross-examine witnesses, and to introduce rebutting testimony if deemed necessary—as they would have done had the request been granted—"might seriously embarrass the purpose for which the *inquest* was instituted," for it was "instituted" solely to manufacture political capital against the Republican party, to be used in the present campaign against President Grant. Not only is such shown to be the fact from the grossly unfair and unjust manner in which they conducted their investigation throughout, but the features of such a purpose are plainly seen in the very organization itself of this Committee.

It is composed entirely of my political opponents. Not one Republican or Union man was placed upon it. This gross and palpable violation of the usages which have always heretofore governed the appointment of similar committees in legislative bodies, was necessary in order to carry out their purpose.

It will also be observed that the Chairman styles his Committee as an "*inquest*." Now the duty of an investigating committee is to hear *both sides* and to take the testimony of *all parties*

interested, and to thoroughly "investigate," so that the Legislature may be fully informed by the report as to all the facts, and thereby be prepared to take such further action in the matter as may in their judgment be necessary or proper. To suppose otherwise, it would become necessary in order to have a fair "investigation" to appoint another committee to take the testimony on the other side. This Committee, however, being organized to manufacture political capital only, it was necessary to hear but one side, and so this Committee proceeded as an "*inquest*," and usurped the authority, *secrecy* and dignity of a grand jury or the Spanish Inquisition, and proceeded "*ex parte*" with closed doors.

To the communication of the Chairman, heretofore recited, my Attornies responded by a communication in which, it will be seen, they again urge upon the Committee the propriety and justice of allowing me to be heard. This communication is dated the 12th day of January, 1872, and after acknowledging the receipt of the communication from the Committee, and recapitulating the previous correspondence, proceeds as follows:

"We were at a loss to account for this long delay in deciding whether the gentleman whose official conduct you were appointed to investigate should be allowed the privilege of appearing by counsel, except upon the hypothesis that your honorable committee were waiting to find some act of official misconduct on his part requiring explanation.

"Not having any notification to that effect, we suppose no such act of official misconduct appears, and should any be discovered we again, in the discharge of our duties as attorneys-at-law for Gov. Bullock, ask that before final action, we may have an opportunity of disproving by evidence any accusation brought against him. We trust your honorable committee will at once recognize the propriety and justice of this course, especially as we are informed that parties representing adverse financial interests to our client and the State have been allowed to appear accompanied by counsel.

[NOTE.—My attorneys had been informed that E. L. Jones, Cashier of the Georgia National Bank, had been accompanied before the committee by Col. L. E. Blakely, counsel for himself and his bank.]

"Availing ourselves of the privilege awarded
"by your letter, we beg leave to submit for
"your consideration as germane to the work
"with which your committee is charged,"
"and as important to the financial interests of
"the State, the following correspondence:

Copy of a letter from R. B. Bullock to Gov.
Conley.

NEW YORK, NOV. 13, 1871.

His Excellency, Benj. Conley:

DEAR GOVERNOR—I am in receipt of your esteemed favor of the 8th instant, for which, thanks. I have also received a letter from Cashier Jones, a copy of which and my reply I hand you herewith. My reply to Mr. Jones covers the whole case except that it does not express the indignation that I feel upon this attempt by the bank to avoid responsibility for the amount due from them to the State, by taking advantage of the temporary public suspicion and clamor to throw additional odium upon me. No, sir; not one dime of State's money ever was placed to my individual credit, and the amount due by the bank on the account kept by Scott is payable by the bank on your check as Governor, in the same manner as my checks as Governor were paid when funds were transferred from the bank to the State Treasurer from time to time, as it became necessary to keep him in funds to meet Executive warrants. The laws authorize and direct the Governor to make the loans and the Treasurer has nothing to do with the account except to properly credit on his books and notify the Comptroller General of such amounts as the Governor placed in his hands. The book referred to belongs to the Governor and in the Executive Department and not to the Treasurer, and from the indications of Mr. Jones' letter I think it important for my protection that you should retain possession of it, as it may be of vital importance to my official reputation to show by it the facts. I am under obligations for your courtesy in bringing the matter to my attention, and shall ever be ready to give all the information in my power, that you may do me the honor to ask for.

Very respectfully yours,

RUFUS B. BULLOCK.

Copy of letter from E. L. Jones.

GEORGIA NATIONAL BANK, }
Atlanta, Ga., October 31, 1871. }

Hon. R. B. Bullock:

DEAR SIR—Acting under instructions from our Board of Directors, I have this day charged to your "special account" the sum of \$38,057.98, as follows, viz:

For credit of your current account.....\$50,443 48
" " of H. I. Kimball's account 35,000 00
" Schaub & Lawton's note endorsed by you

Due and prot'd Aug. 7,
\$2,500 and int..... 2,609 50

\$ 38,057 98

At your credit previously 122,953 59

Leaving bal. at your credit of.....\$ 34,895 61
in special account, subject to your order.

The bank has treated and regarded the three accounts, your special, your current and H. I. Kimball & Co's current, as being one in fact.

Yours, very truly,

E. L. JONES.

R. B. BULLOCK to E. L. JONES.—REPLY.

NEW YORK, NOV. 11, 1871.

E. L. Jones, Esq., Cashier:

SIR—I have but just now come into possession of your letter of the 31st of October, and I regret the delay that has occurred in receiving it, because of the very remarkable character of its contents. In fact, I am not ready to admit that such a letter could be the result of full deliberation on the part either of yourself or the Board of Directors of your bank. My reasons for this doubt are the entire absence of any facts or even suggestions whereby either yourself or any member of the Board of your bank could assume that authority was ever given or existed for treating and regarding the account of H. I. Kimball & Co. my personal account, and the account of Schaub & Lawton "as being one in fact" with the account of the State which you refer to as my "special account," together with your own admission and testimony to the fact that my personal account and transactions with the bank did not and could not have any connection whatever with the State's accounts.

To assume the contrary would involve the charge against yourself and other officers of the bank of having united with me in an illegal and dishonorable scheme to divert the money of the State to my private uses; because, as you well know, all the credits which have become due the State account, arise from checks and drafts given as "Governor" and so signed, and from amounts deposited to the credit of the State; and also that all amounts chargeable to the debit of the State account have been signed by me as Governor, and payable to the order of the Treasurer, or, as in one or two cases, to the order of members of committees of the General Assembly, when the Treasurer refused to honor Executive warrants for their per diem, etc.

In addition, it is a fact known to you that all transactions on the State account have been separately entered by the bank in the bank book in charge of Mr. Scott, the Executive warrant clerk; and that my personal transactions have been similarly recorded in my personal bank book by your bank.

I have my personal bank book showing my personal checks and credits, written up and balanced by the bank, and a credit in my favor on the 15th of April, 1871. Any balance that may have properly accrued against me since that date, I alone am responsible for. The bank book showing the State's account as entered by your bank is in the hands of Mr. Scott in the Executive Department, and will, I have no doubt, be equally as clear in establishing that my personal account and the State account did have and could have no connection or complication.

Upon the subject of H. I. Kimball & Co's account with your bank, I have no specific knowledge, and I cannot imagine any pretext that would authorize or justify yourself or your Directors in treating or regarding the account of that concern and the State's "as being one in fact."

The absurdity of your purpose in charging to the (State) balances claimed to be due by myself personally or by H. I. Kimball & Co., seems to culminate in charging the State with a protested note of Schaub & Lawton, because it had my personal indorsement. This seems too apparent to need calling your attention to it, for I am sure you are too well versed in the responsible duties of your position not to know that there is no legal claim against me until the ability of the principals to the paper has been exhausted.

That my personal liability is only contingent, you are, of course, aware.

Having said this much, I will have done enough, I think, to invite that further consideration by yourself and your Board which will insure a correction of any action that either you or they may have taken in furtherance of the unwarrantable assumption that the personal account of myself, the account of H. I. Kimball & Co., or the protested notes of Schaub & Lawton, are properly chargeable against the balance due by your bank to the State of Georgia.

Very respectfully,

R. B. BULLOCK.

"It may be proper to state that we have in our possession, and are ready to submit for your information, the private bank book of R. B. Bullock, showing his private account with said bank; the bank book showing the State account is in the Executive office, as well as all checks drawn on the public funds. We have carefully examined them, and believe the allegations contained in the reply of the late Governor R. B. Bullock to Mr. Jones fully sustained, and such will doubtless be your opinion upon a thorough examination of the same.

Before quoting the remainder of this communication of my attorneys, I ask your attention to the important fact that the committee did take the same view, and shortly afterwards closed up

the bank by attachment and brought suit for the amount of money due to the State, thus fully exonerating me.

I will also here remark that a great deal of newspaper glory has been shown upon certain persons, including this Committee, for their alleged discovery of the amount due to the State by this bank, and for the steps taken subsequently to prevent the banks *absorbing* the entire amount, and to make them "disgorge."

It will, however, be seen from the above correspondence that the attention of the Governor of the State was first called to the matter by myself, and that it was my attorneys who, by my direction, first put the Committee in possession of all the facts.

The bank evidently thought, or at least its cashier thought, that by offering me as a "bribe" that fraudulent "balance of \$34,895 61" I might be induced to "keep mum" and quietly stand aside while the bank appropriated to its own use \$122,953.59 of the State's money. But the bank was mistaken, and the infamous letter of its cashier became the very means of defeating its dishonest design.

The communication of my attorneys proceeds as follows:

"We submit, also, as pertinent to the matters you are authorized to investigate, that portion of the Message of Governor Conley read to the two Houses of the General Assembly on the 11th inst., relative to the 'issue and sale of State bonds,' and the endorsement 'by him (Rufus B. Bullock) as Governor, of the bonds of railroad companies under the different acts granting State aid to said companies.'"

Governor Conley says:

In this connection, I have the honor to transmit herewith to your honorable body, a full and complete statement of the amount and character of the bonds issued during the administration of my predecessor. This statement is made from the records of this Department, and from the best sources of information at its command, and may be relied upon as being entirely correct.

Under the authority of acts of the Legislature, passed in 1868, there were issued by Governor Bullock, to pay off the members of the General Assembly, and other expenses of that body, and to meet the interest due and unpaid, and

the interest maturing on the bonds of this State up to February 1, 1869, \$600,000 of seven per cent. currency bonds. These bonds were never intended for sale, but were only to be used as security for temporary loans made to the State until such loans could be met by payments from the treasury. The amount borrowed upon them has long since been refunded, as the books of the Treasurer will probably show, and these currency bonds, with the exception of two hundred and sixty eight, which were deposited in the treasury to secure the School Fund that has been used by the State for general purposes, have all been cancelled and returned to the Treasurer's office.

Under authority of acts of the General Assembly, approved August 27, 1870, Sept. 15 1870, and Oct. 5, 1870, two millions of dollars, (\$2,000,000) seven per cent. currency bonds were issued by Governor Bullock for the purpose of being used as collateral security upon which to procure temporary loans for immediate use, which loans were to be applied to the objects mentioned in those acts.

These bonds were never intended, and were never offered for sale. They were issued for the simple reason that it required some time for the preparation of the steel-engraved gold bonds. The distinct understanding with the parties to whom they were delivered was that they were not to be placed upon the market at all, but were to be held simply as temporary collateral for any advances they might make to the State until the gold bonds provided for in the act of September 15, 1870, could be prepared and substituted for them, and that as soon as such gold bonds were substituted, the currency bonds were to be cancelled and returned to this Department.

The gold bonds were subsequently prepared, and were intended to be substituted for these currencies, and to be used for the purposes provided for by the act under which they were issued.

In pursuance of the understanding above mentioned, there have been cancelled and returned to this office of these currency bonds,\$500,000

The balance of these bonds are now held by the following parties:

| | |
|--|---------|
| Messrs. Clews & Co. of New York, have..... | 800,000 |
| Messrs. J. Boorman Johnston & Co. of New York, have..... | 120,000 |
| Russel Sage of New York, has..... | 530,000 |
| The Fulton Bank of Brooklyn has.... | 50,000 |

\$2,000,000

None of the currency bonds can be considered as being in any way a claim against the State, because they were cancelled by the substitution of the gold bonds in their stead. I have written to the various parties who now hold them, informing them of this fact, but they decline to

return them on the ground that it is not customary to surrender any securities until the account is closed.

Under the authority of the act of September 15, 1870, there were prepared and issued three million dollars, (\$3,000,000) of gold bonds of the State, having twenty years to run, with interest at 7 per cent. payable quarterly, in gold coin. These bonds were issued for the purpose, as stated in the act, of meeting and redeeming all bonds of this State, and the coupons thereon now due, or when the same shall have fallen due, and for such other purposes as the General Assembly may direct, and to take the place of the currency bonds that had been issued for temporary purposes.

| | |
|--|-------------------|
| Of these gold bonds there were placed in the hands of Henry Clews & Co. of New York, for sale and to secure advances made by them upon the currencies and otherwise, | \$1,750,000 |
| There were placed in the hands of Russell Sage of New York, for the same purpose, | 500,000 |
| There were deposited in the Fourth National Bank of New York, | 300,000 |
| There were placed in the hands of A. S. Whiton, of New York, | 100,000 |
| There were given to Mr. H. I. Kimball for the purchase of the capitol building, | 250,000 |
| There were given to Mr. John H. James for the purchase of the Executive mansion..... | 100,000 |
| | <hr/> \$3,000,000 |

These figures account for the whole issue of these gold bonds. The statement of the account of Messrs. Henry Clews & Co. with the State is in the Treasurer's office, and is open to inspection. The detailed statements of the other parties have not been forwarded to this office, but I have written to obtain them, and they will probably be transmitted at an early day.

According to the Treasurer's report for the year ending December 31, 1870, there fell due during the years 1870 and 1871, bonds of the State amounting to \$215,000. The larger portion of this amount, together with a part of the interest upon other bonds of the State as it fell due, has been met from the proceeds of these gold bonds, as also the £15,000 sterling of bonds which fell due in 1868, and the £3,000 interest due thereon. Large advances have also been made upon these bonds to pay the claims passed upon by the Board of Commissioners appointed to audit claims against the Western and Atlantic Railroad, and to pay the liquidated claims provided for in the act. Notes of the Western & Atlantic Railroad for large amounts given for the purchase of cars, engines, etc., and falling due in 1870 and 1871, have also been paid from the proceeds of these gold bonds. An investigating committee of your honorable body can readily ascertain what has become of every dollar that has been realized from the sale of these

gold bonds. These gold bonds have all been prepared in strict conformity with the law authorizing their issue, have been duly registered by the Comptroller-General, in a book kept for that purpose, and by him reported to the Treasurer in precisely the manner the act prescribes.

Under the authority of an act of the General Assembly, approved October 17, 1870, temporary lithographed gold bonds to the amount of \$880,000 were prepared and issued and placed in the hands of the officers of the Brunswick & Albany Railroad Company, to be used for their temporary requirements until the regular steel engraved gold bonds of the State authorized by that act to be issued to the company could be prepared. These regular steel engraved gold bonds were soon after issued, and the \$880,000 lithographed gold bonds have all been cancelled and are now in the Treasurer's office.

The act of October 17, 1870, above referred to, authorizes and directs the Governor of the State to receive from the president or other officer authorized by the Board of Directors of the Brunswick & Albany Railroad Company, the whole issue of the second mortgage bonds of said company, amounting to \$10,000 per mile upon said company's road, and amounting in the aggregate to the sum of \$2,350,000, and to pay said company for the same in the bonds of the State of Georgia at par, bearing 7 per cent. interest, payable semi-annually on the first day of June and December in each year, at the rate of \$8,000 per mile, and in the aggregate amounting to \$1,880,000, the principal sum of said bonds to be payable in twenty-five years, from the first day of December, A. D., 1869, and his Excellency the Governor, is authorized and directed to cause said bonds to be executed in due and legal form, and paid over to said company as aforesaid.

Under the provision above recited, there have been issued and delivered to the officers of the Brunswick & Albany Railroad Company one thousand eight hundred steel engraved bonds of the State for \$1,000 each, having twenty five years to run, with interest a 7 per cent., payable semi-annually, principal and interest payable in gold. These bonds have been duly registered in the office of the Comptroller-General and reported to the Treasurer. All of the second mortgage bonds of the Brunswick & Albany Railroad Company for which these gold bonds were given in exchange, have been forwarded to the Treasurer's office as required by law, except one hundred and sixty two, which the company still holds, and which they will continue to hold, I suppose, until they have completed their road and received the remaining eighty State bonds, to which they will then be entitled. These eighty bonds have been partially executed, and are now in the Executive office.

The foregoing statement covers every description and character of bonds that have been issued during the administration of my predecessor, and from it your honorable body will see that the only kind of bonds issued by him that are now outstanding, and that are a claim

against the State, are the \$3,000,000 of gold bonds issued under authority of the act of September 15, 1870, and the \$1,800,000 of gold bonds issued to the Brunswick & Albany Railroad Company in accordance with the act of October 17, 1870. The actual liability of the State, therefore, incurred during his administration, is represented by the sum of \$4,800,000. It should not be forgotten that a large portion of this sum has been devoted to the redemption of bonds falling due in 1870 and 1871, and in years previous thereto, and to the payment of interest on them and on others still to fall due.

The debt of the State is not therefore actually increased by that amount.

The contingent liability of the State, incurred by the General Assembly during the time that my predecessor was in office, is represented by the indorsement of the State upon bonds of railroad companies.

The railroads upon whose bonds the indorsement of the State has been placed during the administration of Governor Bullock, and the amount of such indorsement as they appear from the records of this department, and from the books in the office of the Secretary of State and Treasurer, are as follows:

| | |
|------------------------------|--------------|
| Alabama & Chattanooga..... | \$ 194,400 |
| Brunswick & Albany..... | 3,300,000 |
| Cartersville & Van Wert..... | 275,000 |
| Cherokee Railroad..... | 300,000 |
| Macon & Brunswick..... | 2,150,000 |
| Georgia Air-line..... | 240,000 |
| South Georgia & Florida..... | 484,000 |
| Total..... | \$ 6,923,400 |

At the last session of the Legislature, the charter of the Cartersville & Van Wert Road was so amended as to change the name of that road to the Cherokee Railroad, and the indorsement of the State was placed upon the bonds of the road under its new name.

The bonds of the Georgia Air-line Road, upon which the indorsement of the State was placed, have been cancelled by the officers of that road, and returned to this Department, and are now in the Treasurer's office. This indorsement amounts to \$240,000, and should be deducted from the total amount above stated. The sum of \$6,683,400 then remains, which represents the total amount of contingent liability of the State, now outstanding, incurred during the administration of Governor Bullock.

It has been ascertained from the officers of the Macon & Brunswick Railroad Company, that \$400,000 of the bonds of that company were indorsed by Governor Charles J. Jenkins, no record of which indorsement is found on the books of this Department. If we add this sum to that last above stated, we have an amount of \$7,083,400, which represents the whole amount of contingent liability incurred by the State since the adoption of the policy known as "State Aid." The conditions upon which this aid is granted are familiar to your honorable body. As the State does not indorse the bonds of any road un-

til a specified portion of that road has been actually completed, and then only for a sum equal to half the cost of construction, and as she has a prior lien upon the property of the road, in the event the conditions upon which her indorsement is given, are not complied with, it is not believed that she will ever be the loser to any great extent, and this contingent liability should not by any means be put down as actual indebtedness.

The above statement covers the whole period that my predecessor was in office, and is a complete and accurate summary of his official action in the matter of which it treats.

The letter concludes as follows :

"In conclusion, permit us to say that should your Committee have any *specific* allegations or charges to make arising out of any testimony before you, such charges and allegations so emanating from you will bear an official character, and as such, we most earnestly desire and request to meet them, believing that we will be able to bring before you such evidence as will fully exonerate our client."

Very Respectfully,

GARTRELL & STEPHENS.
ROBERT H. BROWN,
Attorneys at Law.

To this communication no reply was ever given by the committee. On the 25th of January, one of my attorneys, Robert H. Brown, was subpoenaed as a *witness* before the committee. After he had given in his testimony in reply to such questions as were asked him, (the whole of which testimony I will remark in passing, was suppressed by the committee, it being favorable to me,) he took occasion in person, and verbally to again demand a hearing on my behalf.

The right to cross-examine the witness, and to introduce rebutting testimony, if deemed necessary, was also earnestly solicited and demanded as a matter of right. This the committee refused. My attorney then requested at least a copy of the testimony already taken. This, also, was peremptorily refused.

Immediately on retiring from before the committee, and the same day, my attorneys renewed this request in writing, sending the following communication :

ATLANTA, Ga.,

January 25th, 1872.

Hon. J. C. NICHOLLS, Chairman of committee to investigate the official conduct of RUFUS B. BULLOCK.

Dear Sir:—Having been informed that your committee have taken the testimony of a number of witnesses as to the official conduct of Rufus B. Bullock, and in view of the fact that your committee have so far refused to allow us to appear before you as his counsel, and cross-examine such witnesses, we would respectfully request that you furnish us with a copy of the testimony taken before you so that we may be enabled to call witnesses to rebut the same if deemed necessary, and properly protect and defend the interests of our client.

Very Respectfully,

GARTRELL & STEPHENS.

ROBT. H. BROWN,

Atty's at Law.

These repeated demands for a hearing, seem at last to have produced an effect upon the minds of these "inquisitors." A dim perception of the fact that they were outraging every principle of justice, and treading under foot every right guaranteed to the humblest of her citizens by the constitution and laws of Georgia, seems to have at last wandered across their minds. A sense too of the fact that their outrageous proceedings were being put upon record, might be made public to their everlasting shame and disgrace, appears to have awakened a guilty fear of the future. The result was the following communication seeming fair on its face, devised to shield them from the odium of their conduct, but too thinly disguised to hide its object, and containing a pledge and a promise of partial and tardy justice, which, however, their subsequent conduct proves they did not intend to keep—and which they did not keep.

Here is the letter :

Committee Rooms, Atlanta, Ga.

January 25, 1872.

Gentlemen:—You seem in your note of this date to misapprehend the duty with which this committee is charged and the spirit in which the work is being prosecuted.

Ours is an effort to ascertain the whole truth as to the correctness or culpability of Gov. Bullock's official conduct. We have not yet felt the need of any assistance in the ex-

amination of such witnesses, as have been before us, but we would be extremely obliged if you and others would respond to our request to furnish names and the residence of any persons who could throw light upon the subjects of our investigation.

When we shall have prosecuted our inquiries as far as possible and before making any report we will give you an opportunity of coming before us and will then advise you of the names of witnesses and facts sworn to if any, which in our opinion requires explanation, and nothing will be denied you or your client which will conduce to the ascertainment of truth.

By the Committee,
JOHN C. NICHOLLS,
Chairman.

I have characterized this letter as being but an outside show of seeming fairness. An examination of its remarkable contents shows it to be such very plainly.

My attorneys in their note of the 25th Jan. 1872, did not at all misapprehend the duty of the committee. They simply demanded a copy of the testimony taken against their client, and the opportunity for him to be heard. My attorneys made no offer to assist the committee in the examination of witnesses; they only asked to be allowed to cross-examine such witnesses who had, or might testify against their client, and to be allowed to introduce on their part witnesses on his behalf.

Although the letter of the chairman closes with a seeming gush of fair promises, it is to be remarked that none of these requests of my attorneys are granted.

The chairman is guarded in his language, and all that he does promise is to tell us the names of the witnesses and the facts they have sworn to, which in his opinion require explanation. He does not promise to give a copy of the testimony entire, or any copy at all or to allow any cross-examination, nor does he promise anything which can be construed into opening the door to a full free and impartial investigation, unless the vague and general terms of the conclu-

ding sentence can be so construed.—The invitation to my attorneys to hunt up testimony against me, and hand in the names of witnesses, is refreshingly cool and impudent.

The whole communication of the committee is a thin attempt to dodge the disgrace and odium of absolutely refusing to allow me a hearing. That this is so, the subsequent duplicity of their conduct abundantly shows.

To that communication my attorneys sent the following reply:

Atlanta, Ga., Feb. 3, 1872.

Hon. J. C. Nicholls, chairman of committee to investigate the official conduct of Rufus B. Bullock.

Dear Sir:—The communication of your committee in reply to ours of the 25th of Jan. 1872, requesting a copy of the testimony taken before your committee, was only received by us last evening, owing to an accident in its delivery. In your communication you say "you would be extremely obliged if we and others would respond to your request to furnish names and residences of any persons who could throw light upon the subject of your investigation."

In reply to this we would say that we have been notified of nothing that needs either more light thrown upon it or farther explanation in the official conduct of Rufus B. Bullock. His acts which you have been called upon to investigate, are public and official and we can therefore only refer you to the records of the executive and other departments of the State government, which contain a full history of the whole of his official conduct.

Your offer in your last communication to "allow us to appear before you before making any report and to advise us of the names of witnesses, and the facts sworn to if any, which in your opinion require explanation" will be cheerfully accepted, and we hope that your Honorable Committee will do us and our client the further justice of procuring the attendance of such witnesses as we may require and to allow us to cross-examine any witnesses who have previously testified before you, if deemed necessary and proper.

Very Respectfully,

GARTRELL & STEPHENS,
ROBT. H. BROWN,
Atty's at Law.

On the 10th day of June, 1872, the following was received:

Georgia Legislature, Senate Chamber,
Atlanta, Ga. June 10, 1872.

Judge R. H. Brown and Gen. L. S. Gartrell
Atty's for R. B. Bullock.

Gentlemen:—The committee appointed by the General Assembly of Georgia at its last session to investigate the official conduct of Rufus B. Bullock, will sit to-morrow morning at 9 o'clock, in the Senate Chamber, and will then and there advise you of the facts sworn to and the names of the witnesses, which in its opinion require explanation.

Yours, very Respectfully
JNO. C. NICHOLLS,
Chairman.

This communication the committee will doubtless claim as the performance of the promise made in their preceding communication.

Owing to the illness of Gen. Gartrell but one of my attornies waited on the committee. The committee proposed to make a *verbal* statement, and to read over to my attorney detached portions of the testimony. My attorney requested to be furnished with any charges they had to make against me in writing, accompanied with a copy of the testimony on which they were founded. This was refused. My attorney then requested that he might have a short hand writer present in order that the charges might be taken down correctly, and such portions of the testimony as they saw fit to read, might also be reduced to writing, and put in such a shape as to be used. After some hesitation this was granted. The committee asking farther time to arrange their papers, and promising my attorney twenty-four hours notice, so that he might engage a short-hand writer.

From that time up to the 5th day of July, but twelve days before the meeting of the legislature, to which this committee was to report, no opportunity was allowed by the committee, and on that day at the request of Col. Hoge, one of the committee, my attornies waited upon him at his office, where he proceeded to read over the testimony.

At that time the greater portion had been printed, ready to be reported. Upon earnest solicitation, Col. Hoge finally consented to allow my attorneys to take the testimony over night for examination, they agreeing to return it in the morning. The copy furnished did not contain the whole of the testimony.

If the committee claim this as the performance of their promise, my reply is that fully three months before this time, the committee had already passed upon the testimony, and decided upon their report.

When they so decided, their report was as substantially made, and "final action" as substantially had, as when it was laid before the legislature, although the particular phraseology, and set words of that malignant and slanderous document had not yet been settled. If their letter of the 25th of January means anything, or has any value as a response to the demand of my attornies for an opportunity to be heard, it can only be construed to be a pledge that they would suspend their judgment until after I had had the opportunity of cross-examining the witnesses and of introducing testimony, either by the way of impeachment or rebuttal.

But, even if the committee had thrown the door wide open and permitted me the fullest and fairest opportunity, of what avail would it have been before a tribunal which had already prejudiced the case. The letter of the committee of the 25th of Jan. was a subterfuge, and their offer to disclose the names of witnesses a weak attempt to screen themselves from the odium of refusing me the justice of a hearing. This is proved by the fact, that months before my attornies were notified to appear, the committee had decided the whole matter. It was in March last that two of the members of this committee went *secretly* before

a judicial officer, and there made oath, that I had been guilty of official misconduct, and that, too, in a transaction which, had the opportunity been given, I could, as in every other case by the most conclusive testimony, have shown myself wholly without blame. These proofs I now lay before the people. I have no other course left open to me. Notwithstanding my attorneys were refused permission to appear before the committee and examine witnesses in my behalf, Gen'l Toombs was continually assisting this and other committees organized for a similar purpose, putting words in the mouths of his suborned and frightened witnesses, and generally furnishing the satanic talent by which the committee was guided. In the report which the committee have caused to be printed, laid before the legislature and widely distributed; every particle of information received by them tending to sustain the propriety of my official conduct, all the evidence in that direction which fell from the lips of their witnesses, and all the valuable and important facts communicated to them in writing by myself, and my attorneys, have been suppressed and not permitted to appear in their printed campaign document falsely styled the report of a legislative committee. The gross and unparalleled injustice with which I have thus been treated by this committee, and the failure of the legislature to take any action upon their so-called report, forces me to address myself directly to the people.

I do so with confidence, firmly believing that THE PEOPLE of Georgia ever ready to side with truth and justice, will hurl back upon these committeemen the injustice they have attempted to heap upon me, and that the whole people, without regard to political opinion, will, with the evidence before them, accord me the merit of being honest and patriotic in my endeavors to perform my official duties, to de-

velop the resources of the State, and restore Georgia to the Union by enforcing the right of every citizen, irrespective of race, color or previous condition of servitude, to equal civil and political privileges, and thereby secure for her wealth, prosperity and power.

The Republican State Administration was inaugurated in Georgia, July 4, 1868. At that date the debt was \$6,256,635. The increase of that debt during my Administration, four years, was \$4,800,000, of which \$3,000,000 was for State expenses, payment of ante-war bonds, interest, etc., and \$1,800,000 for railroad construction. So that instead of forty to fifty millions of increase in the State debt by Republican authority, there was less than five millions. The contingent liability incurred during that period by State indorsement of railroad bonds on roads constructed within the State was \$6,683,400.

Georgia has "to show for it" nearly one million of her ante-war debt and interest, redeemed and canceled; expenses of Constitutional Convention, elections, legislation, free schools, interest on the public debt, new Capitol and public buildings, new Executive Mansion, made necessary by the removal of the capital from Milledgeville to Atlanta; additions and enlargements of asylums, etc., support of the public institutions, over *six hundred miles of railroad* that have been constructed and put in operation within the State; and an increase of *over fifty millions in the value of property*, as shown by the sworn returns of tax-payers, placing property at their own valuation—during the nearly four years of Republican control. There was no increase in the rate of taxation during my term.

Since then, Repudiation, combined with the persistent misrepresentation of her financial condition, for selfish and partizan ends, has within a few

months ruined the credit of the State, blasted her fair fame at home and abroad, and paralyzed every effort at internal improvements.

Let the contrast between Georgia under my Administration, making rapid strides in prosperity—600 miles of railroad built and in operation and hundreds of miles more in process of construction—her cities growing with Western rapidity—the credit of the State not equalled by that of any other in the South, and Georgia to-day, disgraced and prostrate, with the foul brand of Repudiation stamped indelibly upon her. Let this contrast be well considered, and let the true authors of this calamity be held responsible.

NATURE OF THE TESTIMONY AGAINST ME, AND HOW IT WAS MANUFACTURED AND TAKEN.

Before entering upon a review of the specific charges as set forth in the Report of the Committee, a few words upon the mode in which testimony was manufactured, and how it was taken and reported, will serve to throw still further light upon the character of this Committee and the motives by which it was governed.

The Committee employed no short-hand writer. The testimony was taken in long-hand, by an incompetent clerk. Only such portion of the testimony of any witness as the Committee directed was taken down at all, and the Committee only directed such parts to be taken down as they thought reflected upon me. This was often done after the witness had concluded, and from the memory of the clerk.

The testimony was “garbled” systematically by the Committee, and tortured so as, if possible, to make it criminate me. HEARSAY and OPINION, when reflecting on me or my acts, were elevated to the dignity of testimony, and carefully recorded as evidence. When however, “hearsay” or “opinion” was in my favor, it was always ex-

cluded as not being competent testimony. Four-fifths of the testimony, as printed and attached to the Report, is composed of hearsay and opinion only. The remainder has no sort of connection with me, or bearing on my official acts, except through hearsay and opinion. The Report of the Committee contains a multitude of positive assertions concerning which there is no testimony whatever.

The reading of the testimony, as attached to the Report, is a complete answer, to any candid reader, to the unfounded statements of the Report. Truly it was a piece of unparalleled impudence, a gratuitous aspersion on the common sense of the people, to attach the testimony to the report.

The Lease Committee were more prudent, and show a better appreciation of the intelligence of the people of Georgia. That Committee printed their Report and put it in a volume separate from the evidence. In that way the majority, who do not read the testimony, are induced to believe that everything said in the Report is proved in the evidence.

In proof of the fact that the testimony as reported by the Committee with which I have to deal, is *garbled*, the following correspondence is submitted.

The following is a copy of a letter addressed by my attorney to several persons, together with some of the replies thereto:

ATLANTA, GA., }
July 31st, 1872. }

DEAR SIR—Allow me, as the attorney of Rufus B. Bullock, to inquire if you have read your testimony as reported and printed by the committee “appointed to investigate his official conduct,” and, if so, to inquire if the same is correctly reported and printed as you gave it before the committee.

Respectfully yours,
ROBERT H. BROWN,
Attorney-at-Law.
ATLANTA, Ga., Aug. 5, 1872.

Edw. R. H. Brown.

DEAR SIR—In answer to your note of recent

date, I will say that the report of the evidence given by me, as published by the committee "appointed to investigate the official conduct of Rufus B. Bullock, late Governor," is wholly inaccurate, and puts words into my mouth I have never uttered, and makes me say things which are not true in fact.

Everything to which I testified tending to show that Governor Bullock, in purchasing my pamphlet, acted in good faith to the State, has, it seems, been carefully excluded, while every other thing to which I testified and which, taken by itself, could be tortured into a reflection upon the Governor, has been grossly garbled and carefully recorded. I could point out instances of this misrepresentation, if necessary, but I will confine myself to the general remark that the testimony as given by me, and the testimony as recorded, are so dissimilar that no one could recognize them as identical.

Truly yours,

JOHN L. CONLEY.

The writer of the above is a gentleman of the highest respectability and character, and a member of the Atlanta bar.

ATLANTA, Ga., Aug. 8, 1872.

R. H. Brown, Esq.,

Attorney-at-Law,
Atlanta, Ga.

DEAR SIR—In reply to your note of the 31st ult., asking if the testimony given by me before the "Committee appointed to investigate the official conduct of Rufus B. Bullock, late Governor of Georgia," is correctly reported, I will state, most emphatically, that it is not. Much of my testimony is suppressed or omitted, and much that is printed is so condensed that it does not correctly represent the facts detailed by me under oath.

My evidence, as reported and printed by the committee, does injustice both to Governor Bullock and myself, in this that it makes the impression that I, as Secretary of the Executive Department, had sole supervision of all applications for pardon, and that the action of the Executive was entirely governed by my recommendations. Such was not the case in a single instance; neither is it true that the Governor ignored the original papers containing the evidence against the applicant, and if my testimony had been fully reported no such inference could have been drawn therefrom. The facts related by me to the committee are simply these—that I generally made a brief or analysis of pardon cases, submitting the same to the Governor, with all papers pertaining thereto, and would sometimes, upon my own motion, and not by his direction or request, endorse "a good case," "bad case," or "doubtful," and that his opinion and mine frequently, but not always, coincided. The brief or analysis was made to elicit the strong and salient points in the evidence, and these were then thoroughly

and carefully examined by him before action was taken.

Respectfully yours,

R. H. ATKINSON.

Col. Atkinson served with distinction in the army of Northern Virginia under General Lee, and is known throughout the State as a brave and courteous gentleman of the highest character.

ATLANTA, Ga., Sept. 4, 1872.

Hon. Robert H. Brown.

DEAR SIR—In reply to your letter of a late date, requesting me to state if my testimony given before the committee to investigate the official conduct of Rufus B. Bullock, was correctly reported and printed by said committee, I would say that the greater part of my testimony is either suppressed or omitted in the printed report, but how far the portion omitted may be material I am unable to state, not being familiar with the points taken by said committee.

Yours truly,

J. A. BURNS.

The writer of the foregoing is a member of the bar, and of undoubted character and respectability.

I might multiply the evidence upon this point, but enough has been given to fully sustain the assertion made, that the testimony was maliciously "garbled" and distorted by the Committee. What testimony in my favor, and to what extent, has been entirely suppressed, of course I am unable to ascertain.

While the Committee like the Spanish Inquisition, veiled their proceedings in *secrecy* and sat with closed doors rigidly refusing my Attorneys any copy of their proceedings or testimony taken before them, and zealously excluding any witnesses from being introduced on my behalf, they at the same time, filled the ears of all my acquaintances and friends with threats or promises, to induce them to swear against me. Persons who had held positions under my administration were arrested, denied bail, and thrust into jail, with a promise of pardon or immunity, if they would "bear false witness" against me. A. L. Harris,

after being subjected to numerous arrests, on a multiplicity of charges, and his ability to give bail exhausted, purchased exemption from further persecution by committing the perjury that the Committee demanded. Other men who persisted in their refusal to perjure themselves, now lay in jail, while Harris is at liberty and undisturbed. These facts are notorious in Atlanta, and as day after day they utterly failed to find any evidence of official misconduct on my part, their hatred and malice grew more and more vindictive. It culminated in their Report, in which they say of me all they *wished to prove against me, and which they utterly failed to prove.* Let any one who doubts this, read carefully the testimony as they have reported it, garbled though it is, and everything in my favor suppressed.

This committee, in conjunction with the other committees, urged on by the venom of their common master, Gen. Toombs, inaugurated a reign of terror for the persecution of Republicans and Union men. In order to do this with success, it became necessary to enact some Statute, which would give a color of law to their proceedings, and enable them to use the machinery of subservient courts. The plain, old fashioned Ku Klux style, although more congenial to their nature, they knew from past experience would bring down upon them the strong hand of the United States Government, so they with reluctance discarded it and substituted another method. In order that this substitute may be fully understood, I will give here in full, the law which was enacted to sanction their proceedings, and then disclose in what way they availed themselves of it.

The law itself will be a curiosity to Northern and Western men. No such Statute disgraces the Code of any civilized, or semi-civilized land, Christian, Hindoo or Mohammedan. It is known

among Republicans and Union men as the "*Persecution Act.*"

Here it is in full. I have italicised certain parts to which I wish particular attention called, otherwise the copy is exact, word for word.

AN ACT

"To Make it Penal to Withhold Money or Personal Property belonging to the State of Georgia.

"SECTION 1. Be it enacted by the "Senate and House of Representatives "of the State of Georgia in General "Assembly met, and it is hereby enacted by the authority of the same,

"That if any person having heretofore fraudulently, or wrongfully or "illegally received any money or personal property belonging to the State "of Georgia, shall refuse to pay over "said money or to deliver up said personal property to the Treasurer of "the State of Georgia, upon a demand "of the same by such Treasurer or "agent; or if any person heretofore "having LAWFULLY received money or "personal property belonging to the "State of Georgia and still withholds "the property of the State, as an officer of said State, or otherwise shall, "after demand upon him by the Treasurer of the State of Georgia, or his "authorized agent, fail to pay said "money or deliver said personal property "to said Treasurer or his agent within "ten days after such demand, such person so refusing shall be guilty of a "FELONY, and shall be punished, after "conviction, by confinement and labor "in the Penitentiary of the State of "Georgia for a term not less than one "nor longer than two years.

"And if any person shall hereafter "fraudulently, wrongfully or illegally "receive any money or personal property belonging to the State of Georgia "and shall refuse to pay over said "money or deliver up said personal "property to the Treasurer of said State "or his authorized agent, upon a demand "of the same by such Treasurer or his "agent, or if any person shall hereafter

"lawfully receive money or personal property belonging to the State of Georgia, as an officer of said State or otherwise, and shall, after demand upon him by said Treasurer or his authorized agent, fail to pay said money or deliver said personal property to said Treasurer or his authorized agent, the same being still the property of the State, *within ten days after such demand*, such person so refusing *shall be guilty of a FELONY*, and shall be punished, after conviction, by confinement and labor in the Penitentiary of said State for a time not less than one nor more than two years.

"Approved, December 14, 1871."

All that is required to place any one of my readers, who either resides in or may be journeying through the State of Georgia, in the clutches of this act, is for a member of one of these investigating committees, or any other person who may feel inclined to do so, to make an affidavit that, as he is informed and believes, such person has received money or property belonging to the State. The Treasurer or his agent then makes a demand for the money or property. If the party making the affidavit saw fit to swear the money was unlawfully received, it must be paid at once; if the affidavit states it was lawfully received, you have ten days grace to pay it in. And in either case the failure or refusal to pay is a felony.

It makes no matter what the amount is the result is the same, be it large or small. Suppose the amount is quite large. It will not do for you to say you have never received it, or that it is a larger sum than you did receive. You cannot take the ground that there is an *unadjusted account* between yourself and the State, and that you are ready to pay over whatever balance may be found due, if any. Pay you must, in the one case at once and in the other case within ten days. If you neglect or refuse or fail in any way to pay the amount demanded, this law, without farther proof, declares you a felon. A warrant will next issue against you as a felon,

and unless you can give bail you will be thrust into jail as a felon along with felons. If you chance to be a Republican, a Union man, or no matter what your politics are if you are a Yankee, the probability is you will not be able to give bail.

On the other hand, if under this pressure you pay the money, although you know you do not owe it—to whom do you pay it? Why, to the State, which cannot be sued and from which you can never recover it back. You have no opportunity to subsequently show that the money was your own and not the State's. Payment is confession of crime. That ends it.

So you see that under this law you can just take your choice of either being plundered or sent to jail as a felon. That is all the choice you have. The prosecutions of Republicans under this law since these committees have been in session have been numerous. And bail has been denied in most cases, or has been fixed so high as to place it beyond the reach of the victim. Under this state of things no person's liberty or property is safe, for the words "*or otherwise*" extend the law over all persons, whether they have held official positions or not.

The Code of Georgia has numerous and ample provisions for the punishment of persons holding any *fiduciary* position, official or otherwise, who wrongfully convert money or other property to their own use, but all these other laws were framed by persons who held to that old superstition that a party should be tried before conviction and was entitled to a preliminary examination and a hearing in his own behalf before being held for trial. Of course any such laws would not answer the purposes of intimidation and persecution. It was therefore that this act was adopted—by whose provisions a person becomes a felon by operation of law and by provision of statute without examination, trial or hearing of any sort.

That this law has been and still is

being used for purposes of intimidation and political persecution is a well known fact in Atlanta. Such is the feeling of terrorism that no one dares to openly denounce the outrages on law and justice which have been perpetrated under its provisions.

In its operations it is *ex post facto* upon its face. Its constitutionality is more than doubtful, but long before that question can be decided it will have accomplished, as in the case of A. L. Harris, the object for which it was enacted.

H. I. KIMBALL.

The whole report of the Committee is confessedly based upon one idea. All the charges of official misconduct hang upon one point—the alleged partnership between H. I. Kimball and myself. The testimony utterly fails to disclose any act of official misconduct on my part, or to connect me in any way with any of the transactions claimed to be of a fraudulent nature, except by implication founded upon the assumption that such a partnership existed. The Committee admit this in their report and devote considerable space, and exhaust the whole force of their logic to sustain this point. It is therefore evident that if it shall be found that there is no foundation whatever in the testimony to support this alleged partnership, that the whole Report must fall to the ground. The partnership is the key-stone to this arch of slander and vituperation, and with it the whole mass must come tumbling down to crush the contrivers. Let us then proceed to examine into this matter of partnership. Let us see upon what proof it rests, and how the testimony sustains the assumption upon which the whole Report is founded. The Committee in their Report inform us that the partnership is proved by the testimony of A. L. Harris, G. P. Burnett and E. L. Jones.

The testimony of these witnesses they refer to as the basis on which they re-

ly, and indeed, if the testimony of the persons named does not prove the partnership then there is no proof of it, for besides the testimony of these three, there is not to be found in their report, any other testimony whatever in regard to it.

I will therefore group together the whole of the testimony of these witnesses, so that the reader may take in at one view all the proofs of the alleged partnership. When this is done the point blank absurdity of the charge will, no doubt, excite the surprise and indignation of every candid reader.

It needs no quotations from the Law Reports or from the decisions of the Courts to support the position that "*hearsay is not evidence*," that "*opinion is not testimony*," and that "a witness must testify as to *what he knows and not to what he thinks*." These propositions are too familiarly known to require my referring to the authorities.

The following is the *whole* of the testimony given upon the question of the alleged partnership. It is quoted word for word from the testimony as reported and printed by the Committee,—The italics are my own, for the purpose of calling particular attention to the nature of the testimony.

A. L. HARRIS, *Swear*: Witness THOUGHT that the interests of Bullock and Kimball were identical. *He does not know it.* From this OPINION he THINKS Bullock interested in the Opera House purchase. Bullock never mentioned the matter to witness. [Page 30 of printed testimony.]

G. P. BURNETT, *Swear*: Witness THINKS Governor Bullock was interested in all Kimball's affairs, and THINKS he was the principal partner in the concern. Slight circumstances viewed by themselves, connected together, convinced witness that this was the fact, though *he does not positively know* such to be the fact. Bullock was very active in getting the State to purchase the Capitol building, and THINKS that in this, with all other of Kimball's operations, Governor Bullock was pecuniarily interested. It would be difficult for witness to give any one circumstance which taken singly, would go far to prove the partnership; but RUMORS, circumstances and a great many things tended to this di-

rection, and convinced witness. [Pages 30 and 31 of printed testimony.]

E. L. JONES, Sworn: * * * * *

Witness does not know that Bullock & Kimball were partners, though he has no doubt they were. They never told witness so, in so many words, but they both gave him to understand in a way that no intelligent man could fail to understand, that they were, Kimball saying, after he had thus communicated the fact, to keep mum. George C. Cook, the father-in-law of Kimball, also told him so, in the same manner.

[Page 35 of printed testimony.]

Here then, you have the whole of it, and it amounts to just this. Three men swear positively that *they do not know that any such partnership exists*, but they *think* so—simply this and nothing more.

Had these witnesses been subjected to the ordeal of cross-examination, what would have become of even the flimsy testimony which they give? But you must bear in mind that I was not permitted even to know what was sworn to before the Committee, much less to cross-examine the witnesses.—Yet as it is, I am perfectly willing to let this boasted proof of the alleged partnership stand. To dignify such testimony with the name of evidence is to insult the common sense of an intelligent people, and to overturn all the rules of law and evidence.

If what people *think* upon a subject of which they do not *know* anything is evidence, why did the Committee pause content with but three witnesses. The democratic newspapers for over a year have been charging me with all sorts of acts of official misconduct, and there is no doubt that many well meaning, honest persons have been misled. The Committee, doubtless, could have found fifty or a hundred of such persons, good sound Democrats too, who would have sworn that while they do not know of anything against me, yet they *think* and are of the *opinion* that I have been guilty of acts of gross official misconduct. Probably there might be found an equal number of the fol-

lowers and admirers of Mr. Greeley, Mr. Sumner and Mr. Schurz, who would swear that they *think*, all the charges made by them against Gen. Grant are true, and that it is their *opinion* that they are well founded, and that the alleged "*partnership*" between Murphy, Grant & Tweed in real estate operations, did in reality exist. Would any one outside of a Lunatic Asylum, contend that on such testimony the President should be impeached and removed?

Suppose upon a trial in open Court, three, or three hundred persons should swear positively that they do not know the prisoner at the bar, guilty, but that they *think* he is, or that they are of the *opinion* from "*rumors*" (see Burnett's testimony) that he is guilty, what sane jury would entertain, or what sane Judge would permit such testimony to be introduced as evidence. Such an *opinion* might disqualify a person from sitting on the jury—and that is all.

Truly this Committee have found a new rule of evidence, unknown in any civilized country. Their candor and ability in this particular, is only surpassed by their modesty and moderation in confining themselves to only three witnesses.

It is a matter of wonder to me, that they did not offer the files of partizan newspapers and the whole of their last year's slanderous editorials in testimony against me, as proof of my official misconduct.

That testimony would be just as good as Harris' and Jones' and Burnett's *thoughts* and *opinions*.

I might dismiss the whole matter just here. There is no proof whatever of the alleged partnership, and it is therefore to be presumed that none existed. According to a well-known rule of law the "burden of proof" rests with the Committee. I am not required to prove a negative: but I *will* not rest here. I propose to prove the negative.

I propose to give positive evidence that no such partnership ever did exist, and in doing so will by four witnesses contradict point blank E. L. Jones, who is the main witness on whom the Committee rely.

The following is a copy of a letter received by my Attorney:

NEW HAVEN, Conn., July 26, 1872.

Robert H. Brown, Esq.—Dear Sir: Enclosed please find two affidavits, subscribed and sworn to before me this day, the one by H. I. Kimball the other by George Cook, both of whom I have known for a period of years.

Yours, &c, D. R. Wright,
Counsellor. &c.

The following are the affidavits referred to by Judge Wright:

City and County of New Haven, }
State of Connecticut. }

Then and there personally appeared before me, Dexter R. Wright, a Justice of the Peace in and for said city, county and State.

Hannibal I. Kimball, who is personally known to me, who being duly sworn, deposes and sayeth that he has read the report of the evidence given by E. L. Jones, Cashier of the Georgia National Bank, before certain committees of the Georgia Legislature. That this deponent never at any time, or under any circumstances, gave the said Jones "to understand" or reason to believe that Governor Bullock was a partner in business with deponent, or that Governor Bullock derived any pecuniary benefits from the business transactions of this deponent.

The deponent further saith that Gov. Bullock was not a partner of his, or of the firm or firms with which deponent was connected, and that the said Bullock was not pecuniarily interested either directly or indirectly, or contingently, in the profits, benefits or risks of any of the financial or business operations of the deponent, or in the property sold by the deponent to the State, or in the proceeds thereof. And that the deposits made by the deponent in his bank to the personal credit of said Bullock were in repayment of moneys borrowed by deponent from the said Bullock and justly due him.

The deponent further saith that neither as Vice President, Director or stock-holder of the said Georgia National Bank, or as an individual, did he ever advise the said Jones, Cashier, to regard the account of the State with the bank as "one and the same" with the account of H. I. Kimball, H. I. Kimball & Co., Schaub & Lawton, or with the personal account of R. B. Bullock, and that each of these several accounts were kept separate and distinct on the books of the bank, and that no amount could be transferred from one to the other except upon proper checks duly executed, charged and credited.

The deponent further saith that the charging of these individual accounts or either of them to the State was an unlawful and unauthorized act of said Jones.

The deponent further saith that so far as his knowledge extends, Gov. Bullock had no interest, or share, or pecuniary advantage in the lease of the State Road.

That deponent's confidence in the ability of himself and associates to secure the lease rested upon the combinations which they had made to provide the security required by the lease law.

The deponent further saith that the bonds of the city of Atlanta on the purchase of his Opera House were obtained from the *City Treasurer* by deponent, for the purpose of negotiating a sale to pay off a mortgage upon and complete the title for the said Opera House to the State, but that circumstances beyond the control of the deponent prevented the consummation of this purpose, and that neither any portion of said bonds nor of their proceeds was ever in possession of or inured to the benefit of Governor Bullock.

The deponent further finally states that he makes this affidavit of his own free will and accord, and for the sole purpose of preventing injustice being done to Governor Bullock by the misrepresentation of interested parties.

(Signed) HANNIBAL I. KIMBALL.

Sworn to and subscribed before me, this 26th day of July, A. D., 1872.

(Signed) DEXTER R. WRIGHT,
Justice of the Peace.

State of Connecticut, }
County of New Haven, }
County Clerk's Office. }

I, Arthur D. Osborn, Clerk of the Superior Court and ex-officio of the County Court, and authorized by law to certify the records of said County Court, within and for New Haven County, and keeper of the seal thereof, and of the commissions of Justice of the Peace, Notary Public and Commissioner of the Superior Court of said county, hereby certify,

That Dexter R. Wright, Esquire, was, on the 26th day of July, 1872, ever since has been, and now is, a Justice of the Peace within and for and residing in said county, having full power and authority by the laws of this State to take the acknowledgment of deeds and other instruments, and to certify the same. Also, to administer oaths, to take affidavits and depositions out of court, and to give certificates therefor; and that full faith and credit may and ought to be given to his official acts and attestations; that the signature to the instrument hereunto annexed, purporting to be his, I believe to be his genuine official signature; that I am well acquainted with his handwriting, and that said instrument is executed, acknowledged and duly authenticated according to the laws of the State.

In testimony whereof, I hereunto set my hand and official seal of said county and State, on this 27th day of July, 1872.

(Signed) ARTHUR D. OSBORN,
Clerk.

Copy of affidavit of George Cook.
City and County of New Haven, }
State of Connecticut. }

Then and there personally appeared before me, Dexter R. Wright, a Justice of the Peace in and for said county, George Cook, who is personally known to me, and who being duly cautioned and sworn, deposes and says,

That he has read the report of the evidence given before a committee of the Legislature of Georgia, by E. L. Jones, Cashier of the Georgia National Bank, and that he is the George Cook, father-in-law of H. I. Kimball, therein referred to.

This deponent further saith that he never, either by words, signs or acts, gave the said Jones reason to understand or believe, or suppose, that Gov. Bullock was a partner of H. I. Kimball, or that the said Bullock was pecuniarily interested in all or any of the transactions of said Kimball.

The deponent further says that he was the general manager for the said Kimball, and knew his every business transaction, and can, therefore, and does, assert, that there was no partnership or mutuality of pecuniary interest between the said Kimball and the said Bullock in the operations of said Kimball.

(Signed) GEORGE COOK.
Subscribed and sworn to before me, at said city, on this 26th day of July, A. D., 1872.

(Signed) DEXTER R. WRIGHT,
Justice of the Peace.

The following additional affidavits on this point are also submitted:

State of Georgia, }
Fulton County, }

Before the subscriber, a Notary Public in and for said county, personally appeared James A. Burns, who, being duly sworn, doth depose and say,

That his business relations with Mr. H. I. Kimball were of the most intimate and confidential nature; that said Kimball consulted with deponent in relation to all of his business transactions, both in general and in detail; that deponent was familiar with all of said Kimball's business affairs, to which he gave his entire time and attention for over three years, and that he has no reason to believe and does not believe that any partnership existed between said Kimball and Rufus B. Bullock, or that said Bullock was pecuniarily interested in any or all of said Kimball's transactions; that the deponent's knowledge of said Kimball's affairs was so intimate and confidential that no such partnership could have existed without deponent's being aware of it, and, therefore, he confidently asserts that said Bullock was not and could not have been interested in any of said Kimball's business transactions.

Deponent further says that the city bonds mentioned in his testimony taken before the committee to investigate the official conduct of

Rufus B. Bullock were obtained by E. N. Kimball from the City Treasurer, on the order of the Mayor, and were, by the deponent, put in a package and sealed up, and sent to H. I. Kimball in New York; that said bonds were at no time in the possession of Gov. Bullock or in the Executive office; that said bonds were intended to be sold and the proceeds applied to the payment of the mortgage on the Capitol building, but that owing to the unforeseen financial difficulties of Mr. H. I. Kimball and his failure in business soon after, said mortgage was not paid, but remains among his other unpaid liabilities.

Deponent is convinced that said Kimball acted in entire good faith, and that had it not been for his unfortunate and unexpected failure he would have paid said mortgage either by applying the proceeds of said bonds or otherwise.

(Signed) J. A. BURNS.

Sworn to and subscribed before me, this 4th day of September, 1872.

J. M. PATTON,
Notary Public,
Fulton County, Ga.

CITY & COUNTY OF NEW YORK;

Then and there come before me a Commissioner for the State of Georgia, in and for the said City, County, and State, William E. Armstrong, who being duly sworn deposes and saith: that he was the Phonographic Clerk and Confidential Secretary of Mr. H. I. Kimball, from October 1870, to November, 1871.

That during said time the deponent was constantly in the service of, and with the said Kimball; travelled with him whenever he left Atlanta, and occupied a table with him, in his private room when in Atlanta; had charge of all his private papers and business Correspondence; that deponent neither saw nor heard of anything at any time to show that the said Kimball and Governor Bullock were partners in business, or that the said Bullock participated in the profits of the said Kimball's business operations; the deponent saith that he has been present and heard several conversations between the said Kimball and the said Bullock, in which Bullock expressed a desire and anxiety for Kimball's success in completing the Railways of which Kimball was President; but from the tenor of their conversations the deponent understood and believes that the interest and object of the said Bullock in urging Kimball to secure the completion of the roads, was to promote the policy of internal improvements, inaugurated by the said Bullock, and deemed by him necessary to the interests of the State, and his own political preferment—

The deponent further saith that his position and relations with the said Kimball were such, that if there had been any partnership between the said Kimball and the said Bullock, he believes he would have known it.

Signed:

WM E. ARMSTRONG.

STATE OF NEW YORK } ss
CITY & COUNTY OF NEW YORK }

Subscribed and sworn to before me,
this third day of September. A. D. 1872.

(Signed) J. B. NONES.

Commissioner of the State of
Georgia, for New York, No. 91
Duane Street corner of
[L. S.] Broadway.

So much for this "partnership" fiction, alleged by the committee without proof. It now falls to the ground as an exploded and exposed slander, under the weight of direct and positive testimony.

Upon it hangs the whole mass of misrepresentations and abuse contained in the report, which, thus left without any foundation to rest upon, also crumbles to pieces.

Here I might close, for the committee do not in their report for one moment pretend that outside of the alleged partnership there is a particle of proof against me. But I do not choose to rest here. I will take up in detail each charge that they have made, and prove to the satisfaction of every candid mind how false and unfounded those charges are.

THE STATE ROAD LEASE.

One of the main charges against me is that in leasing the State Road, *in obedience to the express provisions of an act of the General Assembly*, providing for the leasing of the Western and Atlanta Road (or State Road,) I was guilty of gross official misconduct. This charge against me was based upon the theory that as H. I. Kimball was one of the lessees, and it being assumed that I was a partner of Kimball's, that therefore the transaction was one in which I was personally and pecuniarily interested. So the committee report. It will be observed that having shown that I was *not* a partner of H. I. Kimball's, this whole charge stands disproved.

Since the coming in of the report of the Committee, this subject has engaged

the attention of the General Assembly, and every effort was made by my political and personal enemies, aided in and urged on by a rival company; who desired to obtain the Road; to break the Lease made by me, on the ground that it was fraudulent, by reason of my being a partner of Kimball's and therefore interested in it. The matter was fully and ably discussed, not only in the Legislature, but in the public press by both sides. The result was that the Legislature by an overwhelming majority in both Houses, sustained the lease. Thus deciding after a full hearing of both sides, that the Lease was fair, that I had no interest in the same; and that no partnership or mutuality of interest existed between Mr. Kimball and myself. It will not, therefore, be necessary for me to go into any argument, or to adduce any facts or testimony to prove the entire fairness of the State Road lease. It is now *res adjudicata*, and my official action in one of the most important measures of my administration, and the one upon which General Toombs and his Klan expected to make the most successful assault, has been approved by an overwhelming majority on a test vote in his own Legislature.

This action of the Legislature, in deciding that no partnership existed between Mr. Kimball and myself, as to the lease, practically, and from the necessity of the case, becomes a Legislative approval of my official action in all other matters reviewed by the committee, because it is their theory, absolutely necessary to sustain their report, that I was a partner in *all* the business transactions of Mr. Kimball; that I was pecuniarily interested in *all* of his operations. They do not claim in their report that they have any proof of special partnership in any one or more specific transactions. What they do charge, and what they rely on and rely on exclusively, is the allegation of a *general*

partnership—a full and complete mutuality of pecuniary interest in *all* the transactions and operations of Mr. Kimball, thus by *inference* or *implication* connecting me with specific transactions of his, claimed to be fraudulent. Such being the ground taken by the committee, it follows that if the chain is broken, in one particular, the whole case is disposed of. If it is proven that I was not a partner or interested with Mr. Kimball in any one of his principal business transactions, then all the other charges founded upon an implication arising out of the alleged general partnership are unfounded. There being no proofs of special partnership in any specific transaction, the whole resting on the assumed general partnership, the moment the general partnership is found not to exist all the other charges fail also. The decision of the General Assembly, adverse to the conclusions of the Committee, as to the Lease question, therefore practically disposes of their entire report.

The argument of the Committee, thrown into the form of syllogism, is this:

1. R. B. Bullock is the partner of H. I. Kimball, and is jointly interested, as such, in *all* of his transactions and operations, without exception.

2. Kimball was interested in the State Road Lease.

3. Therefore, R. B. Bullock was interested in the Lease.

2. Kimball was interested in the Mitchell Heirs Compromise.

3. Therefore, R. B. Bullock was interested in the Mitchell Heirs Compromise.

2. Kimball was interested in the Sale of the Opera House (which he owned) to the State.

3. Therefore, R. B. Bullock was interested in the Sale of the Opera House, and was a part owner.

Thus it will be seen all these charges rest upon the first proposition—that I was interested in *all* the transactions of H. I. Kimball, and when that proposition and premise falls all the conclusions fall with it.

The fact is the Committee knew that there was no testimony to show specifically that I was interested in any one of

these particular transactions, and so, in their desperate effort and determination to slander me, they resorted to the attempt to prove my interest in these particular operations, by an implication arising from the assumption of a general partnership, a full and complete identity and mutuality of interest in everything that H. I. Kimball did, of whatever name or nature.

But enough has been said on this point—it is clear to every reader. The general partnership is the keystone, and the Legislature, by its vote on the Lease, having removed it, the rotten arch has fallen by the acts of its own builders.

For the information of my friends and the public outside of the State, who are probably not familiar with this State Road question, I submit the following brief statement of the facts:

The Western and Atlantic Road, running from Atlanta to Chatanooga, 138 miles, is the property of the State. It has always been a source of expense to the people and a fruitful source of political corruption under whatever Administration the State has been governed since its construction. In 1870 the Legislature, by a bill, authorized the Governor of the State to lease the road to responsible parties, who were to have control and management of the road, give security in the sum of eight millions, and pay a monthly rental of not less than twenty-five thousand dollars. This bill met with my hearty approbation, and on the 24th October, 1870, had my official approval, as Governor. On the 26th of October, 1870, acting under the provisions of this law, I caused to be published the following notice:

**PUBLIC NOTICE BY THE GOVERNOR
INVITING PROPOSALS TO
LEASE.**

NOTICE TO THE PUBLIC.

EXECUTIVE DEPARTMENT,
ATLANTA, Ga., October 26, 1870. }

To whom it may concern:

By an act of the General Assembly of the State of Georgia, approved October 24, 1870, authority is given to the Governor to lease the Western and Atlantic Railroad, the property of the State, together with all of its houses, workshops, depots, rolling-stock and appurtenances

of every character, for the term of twenty years, upon certain terms and subject to certain restrictions therein named, to-wit:

The monthly rental shall not be less than twenty-five thousand dollars (\$25,000), payable monthly. The lessees shall give a bond for the sum of eight millions of dollars (\$8,000,000) to securing the prompt payment of the amount of rental agreed upon, and for the return of the road and its appurtenances at the expiration of the lease, or on the termination or forfeiture thereof, in as good condition as at the time of leasing; five millions (\$5,000,000) of which security shall be within this State, and the balance, if out the State, shall be upon real estate or railroad property. The lessees to be worth over and above their indebtedness at least five hundred thousand dollars (\$500,000).

The Legislature reserves to itself the right, from time to time, to examine into the affairs of the lessees, and to require that the amount of security above received shall be maintained unimpaired.

The lessees shall not be less than seven in number, a majority of whom shall have been for five years *bona fide* residents of this State, and shall represent a majority of the whole interest in the lease. No railroad or express company, or any combination of them, shall, in any event, become the lessees, but they may become sureties on the bonds of the lessees. The lessees shall not charge a higher rate for local freights over said road than the average rate charged by the Georgia Railroad and Banking Company, the Central Railroad and Banking Company, and the Macon and Western Railroad Company, for like local freights over said roads, and the said lessees shall have the same rights, exemptions, privileges, immunities and guarantees, except the establishment of banks, and shall be subject to the same liabilities, disabilities and public burdens of said railroad companies last mentioned. The faith of the State is pledged to redeem all mortgage bonds and coupons now resting on the State Road as they fall due, and to save the lessees harmless against all such bonds and coupons.

The lessees are by this act constituted a body corporate and politic for the term of twenty years, under the name and style of the Western and Atlantic Railroad Company, having such powers, liabilities and immunities as are usual with railroad companies, and not in conflict with the Constitution and Laws of the United States, or of the State of Georgia; but they will not be allowed to make or permit any discrimination in favor of or against any other road or persons having business connections with the said Western and Atlantic Railroad.

For the purpose of carrying out this act, proposals will be received until and including the 25th day of December next, and must be addressed to the Governor of the State of Georgia, at Atlanta, and marked on the wrapper, "Proposals for the lease of the Western and Atlantic Railroad," in accordance with an Act approved October 24, 1870. The proposals must state in

full the names and residence of the parties uniting to make proposition, the amount that each of the parties therein named are worth over and above their debts and liabilities, together with a full description of the character of the security which will be offered to complete the bond.

The property to be leased is a single track railroad, 138 miles in length, with full and complete equipment of shops, depots, turnouts, sideings, engines, cars, etc., now in successful operation between the cities of Atlanta, Ga., and Chattanooga, in Tennessee. At Chattanooga the line is in direct rail connection with the Memphis and Charleston, Nashville and Chattanooga and New Orleans, East Tennessee and Georgia, and the Chattanooga and Cincinnati (now in process of construction) railroads, and at Atlanta with the Atlanta and Montgomery, Atlanta and Charleston, Atlanta and Savannah, and the Atlanta and Gulf lines of road, being the only railroad connection between the system of railways centering at Chattanooga and at Atlanta.

Copies of "An Act to authorize the lease of the Western and Atlantic Railroad, and for other purposes therein mentioned," approved October 24, 1870, can be had upon application at the Executive's office.

RUFUS B. BULLOCK.

By the Governor: ROBERT H. ATKINSON,
Executive Secretary.

Under this notice three separate propositions were received. The parties, however, making two of these proposals were unable to give the security required by law. The Company of which Hon. Joseph E. Brown was President fully complied with the terms of the Lease act, promptly tendered the required security, and as its organization was such as to fully harmonize the various railroad interests of the State, thus ensuring their friendly co operation and the successful operation of the road, and as all the other parties proposing to lease the road had failed to give the security required by law, the lease was awarded to that Company, according to their bid, at a monthly rental of \$25,000.

This, in brief, is a correct history of the whole transaction which has given rise to so much controversy and been the occasion of so much personal detraction.

It was a wise and beneficial measure of State policy. The road, in place of being a source of expense and taxation, now yields a large revenue to the State.

making an aggregate of \$6,000,000 principal, and, if interest is counted on cash payments, it amounts to about ten millions paid into the treasury during the next twenty years, with the further guarantee that the road shall be kept in good condition, and at the end of the lease be returned to the State in good order. This substantial cash benefit, together with the fact that the road is taken out of politics and can no longer be run as a political machine, convinced me of the wisdom and propriety of the measure.

This Road was built and opened between Atlanta and Chattanooga about twenty years ago, and up to the 4th of July, 1868, under Democratic management, had cost the State, not including war times, \$2,165,273 more money to run the road than it paid into the treasury. The Democrats made the road lose nearly three millions in the twenty years last past, and the Republicans make it pay nearly TEN MILLIONS during the twenty years to come.

Another charge much paraded in the Report of the Committee is the settlement of the

CLAIM OF THE MITCHELL HEIRS

under an act of the Legislature. I have read with great care the testimony reported on this point, and cannot find anything whatsoever connecting me with the transaction beyond the fact that in a message to the Legislature I communicated the proposal of the Mitchell heirs, made by their attorneys, to compromise and settle the litigation then pending.

The following is the message, which is given entire, as this official act, together with my approval of the resolution afterwards adopted by the General Assembly, is all that I ever had to do with this matter:

EXECUTIVE DEPARTMENT,
ATLANTA, Ga., Oct. 13, 1870. }

To the General Assembly:

A proposition for compromise, made by the attorneys of the heirs of Samuel Mitchell, in relation to the claim of said heirs against the State for a certain piece of property adjoining the State railroad passenger depot, is herewith respectfully transmitted.

This same proposition for compromise was submitted to the attorneys who have been retained by the State to represent her interests in the courts in the case of the said heirs of Mitchell vs. the Western and Atlantic Railroad.

and, after due deliberation and consideration by the said attorneys retained by the State, they find themselves unable to agree upon any definite recommendation.

One of the attorneys favors the acceptance of the proposed compromise, another, in view of the uncertainties of litigation, favors the making of such a compromise as the respective advantage grounds of the parties in this case will warrant, and another is opposed to any compromise.

In view of this difference of opinion which exists among the attorneys, and also in consideration of a compromise and settlement which I am informed has lately been agreed upon by the authorities of the city of Atlanta in a case quite similar to that of the heirs of Mitchell vs. the Western and Atlantic Railroad, I am induced to present the case for such action as your honorable body may deem best, and I shall refrain from any argument upon the subject, leaving the matter to your action with the simple statement of the facts in the case as they are presented to me, and as I believe them to be correct.

On or about the time of the completion of the Western and Atlantic Railroad, one Samuel Mitchell, then owning large tracts of land in and about the present location of this city, gave to the Western and Atlantic Railroad any unoccupied five acres which they might select to be used as a terminus for said road.

Such possession was taken by the State Road, but it was not found necessary to make actual use of the whole tract of land. By authority of the Legislature, granted in 1859 and 1860, a certain portion of the tract was taken possession of by the city of Atlanta and used as a public park. Suit has been entered by the heirs of Mitchell against the Western and Atlantic Railroad for the recovery of so much of the said tract of land as is not actually needed for the purpose of the road. This suit is met by the State through attorneys retained in behalf of the Western and Atlantic Railroad. The heirs of Mitchell now propose to withdraw any further contest before the courts, and offer as a full and final settlement to give the State two hundred and forty feet in width through and across the lot between Pryor and Lloyd streets, commencing one hundred and twenty (120) feet from and running nearly parallel with Alabama street, from Lloyd to Pryor street, thence up Pryor two hundred and forty (240) feet, thence back in a parallel line to Lloyd to a point two hundred and forty (240) feet from the commencement, as will appear more specially and accurately by a map herewith transmitted.

And in addition the heirs of the said Mitchell agree to pay the pro rata of the State in the cost of building the new depot, to an amount not exceeding thirty-five thousand dollars (\$35,000) in cash. That is to say, the Western and Atlantic Railroad is to have and hold in undisturbed possession all the land which is actually necessary for railroad purposes, and to receive in addition thirty-five thousand dollars (\$35,000)

in cash, and is thereupon to surrender all further claim to the surplus of land.

The advantages and disadvantages of accepting or rejecting this proposition may be briefly stated as follows:

If the proposition is rejected, expensive and extended suits in the courts must be met and defended by the State through the Western and Atlantic Railroad, with the possibility of a decision being ultimately rendered in favor of the heirs of Mitchell, and during this time the lot of land in question would necessarily remain unoccupied and useless. And should the suit be decided in favor of the road, the land must remain in the same condition, as there is no reasonable probability of its ever being essentially necessary for railroad purposes. If the proposition should be accepted, the Western and Atlantic Railroad will enjoy the undisturbed possession of all the land necessary for railroad purposes, and will receive a very valuable contribution to the cost of the depot now being constructed, and the State and city will be benefited by the taxable value of the property and improvements which will be constructed upon that portion of the land recovered by the heirs of Mitchell.

The whole matter is respectfully submitted for the consideration and action of your honorable body.

RUFUS B. BULLOCK.

If there was a single line of *testimony* showing that beyond these two official acts, the message and the subsequent approval of the action of the Legislature, I had anything to do with this matter, I would comment further upon the subject; but as there is not, nothing further need be said as to the testimony. But a few words are necessary as to the Report of the Committee, and which is not testimony. It should be founded on the testimony, but it is not. According to the Report—not the testimony—the compromise was fraudulent, the act of the Legislature was fraudulent, H. I. Kimball had an interest in the purchase, I was a partner of H. I. Kimball in everything—therefore I was a party to the fraud and had an interest in the property. But as the Committee have failed to prove this partnership, and as I have proved that it *did not* exist, the whole of this charge of official misconduct goes to keep company along with the alleged fraud in respect to the State Road Lease and the other false and unfounded charges made against me.

A joint special committee, consisting of three from the Senate and five from

the House, was appointed to consider the matter, and such committee reported in favor of the compromise. A joint resolution was adopted, authorizing and directing the compromise, which was officially approved by me October 25, 1870.

This whole matter, so far as my connection with it goes, sums up in brief as follows:

The attorneys of the Mitchell heirs, on behalf of their clients, transmitted to me, as Governor, a formal offer in writing to compromise the suits, upon the terms and conditions named. This offer was by me officially communicated in a message to the General Assembly. The General Assembly in its wisdom saw fit to accept the compromise offered, and the joint resolution to that effect was officially approved by me.

There is not one single line or word of testimony taken by the Committee showing that I had any further or more intimate connection with this matter. What I did do was no more than what was made absolutely necessary from my official position.

It was my official duty to lay the proposition of the attorneys of the heirs before the General Assembly. That was done in a message, stating the facts without argument for or against the matter and when the General Assembly sent the joint resolution to me for my approval, it was approved because there were no just grounds for a veto.

OPERA HOUSE.

I now come to the charge of official misconduct in connection with the sale by Mr. H. I. Kimball of his OPERA HOUSE to the state, to be used as a Capitol building.

This charge divides itself into two heads.

First. That I was pecuniarily interested in the sale—either as a joint owner of the building, or as sharing in the proceeds of the sale.

Second. That one hundred and thirty Atlanta City Bonds, which were part of the purchase price of the building paid to the state, and to be paid by the state to H. I. Kimball, as the contribution of the city of Atlanta towards the purchase of the build-

ing, were fraudulently appropriated by me to my own use.

The first charge is unsupported by any testimony whatever. It rests entirely upon the assumption of the partnership between Mr. Kimball and myself. As the committee have failed to prove this partnership, and the Legislature, by a large majority, have decided that there was no such partnership, and as I have also proved by positive testimony that no such partnership did exist, this charge falls to the ground. Nothing more need be said about it.

That there is no more or any better proof of the second charge, will be plainly seen.—The evidence which will be laid before you, being almost wholly *documentary*, can neither be questioned, doubted nor evaded.

We will begin at the beginning. The removal of the Capital to the city of Atlanta made the purchase of new public buildings absolutely necessary. The city of Atlanta then and now, had a democratic government. In order to secure the permanent location of the seat of government in that city, the council agreed to extend certain benefits to the state government—the principle among which was to donate the sum of 130 Atlanta City Bonds of \$1000 each towards the purchase price of the Capitol Building. The Opera House owned by Mr. H. I. Kimball, was every way suitable for a Capitol Building—was fully and finely furnished as such, and had been, and was then being used by the state for that purpose, under a rental. The entire suitability of the building, and the desirability of its purchase has not been questioned by any one, nor do the committee make any point in that direction. The whole history of the purchase of the Opera House by the state will appear from the following extracts from the public records—House and Senate Journals, and other sources.

PROPOSITION OF THE CITY OF ATLANTA.

COUNCIL CHAMBER, Atlanta, Aug. 1, 1870.

Hon. E. TWEEDY, Chairman.—Dear Sir: The Mayor and Council of Atlanta, desire to express to you, and through you to the General Assembly of Georgia, an earnest willingness on the part of the city to fully comply with the contract with the Constitutional Convention. Not only the letter, but the spirit of this contract. But it was so brief as to be susceptible of various constructions—as has been evinced by the many discussions which have been had upon the subject. Now therefore, to the end that this matter may be fully, finally and satisfactorily settled, the Mayor and Council are disposed to accede to the request of your committee, and hereby respectfully propose to donate, or issue one hundred and thirty thousand dollars in the bonds of the city, to be

used in the purchase by the state of the building now used as a State Capitol—also to donate any unoccupied ten acres of land within the corporate limits that may be selected by the General Assembly, to be used for Capitol purposes—also to furnish free of cost to the state, a mansion, suitable for the use of his Excellency, the Governor of the state, for the term of ten years from Jan. 1, 1888. The object of the city, in being thus liberal, is solely to permanently locate the Capitol in this city; they desire, therefore, to have it understood that in case the Capitol should be removed from Atlanta, that then the ten acres of land referred to should revert to the city—also the bonds (or their equivalent,) of the city, used in the purchase of the building referred to, should be returned to the city.

Resolved, that the foregoing proposition be adopted and spread upon the minutes of the Council, and a copy of the same transmitted to Hon. E. Tweedy, Chairman.

Signed

EVAN P. HOWELL, } Committee
A. MURFREY, } of Council.
D. O. KEEFE, }
V. DUNNING, } All Democrats

PROPOSITION OF H. I. KIMBALL.

Office of H. I. Kimball, Atlanta, Ga. July 27, 1870.
Hon. W. T. McARTHUR, Chairman.—Dear Sir: Replying to the inquiries of your committee, upon what terms I will dispose of the building known as "Kimball's Opera House," including all the heating and lighting apparatus, and all the furniture and fixtures in use by the state, in said building—also all fixtures in the Post Office. I have the honor to inform you that I will sell the entire property, as before mentioned, for the sum of three hundred and eighty thousand dollars, payable as follows: one hundred and thirty thousand dollars in the bonds of the city of Atlanta, and two hundred and fifty thousand dollars in the seven per cent. bonds of the state of Georgia.

Should this be accepted, I pledge myself to return to the state the amount advanced me on account of the heating, lighting, &c., by His Excellency Governor Bullock, viz: fifty-four thousand five hundred dollars.—Having verbally explained to your committee the cost and condition of the building and fixtures, I do not deem it necessary to refer to that matter in this communication.

Respectfully Yours,

H. I. KIMBALL.

(See House Journal of Aug. 3, 1870, pages 276-277.)

RESOLUTION OF GENERAL ASSEMBLY.

A Resolution in relation to the purchase of the Capitol Building.

1. Resolved, That the proposition of the city of Atlanta to donate the bonds of the city to the amount of one hundred and thirty thousand dollars, any ten acres of unoccupied land within the corporate limits of the city, and to furnish free of cost to the state, a mansion suitable for the use of His Excellency, the Governor, for the term of ten years, be and is hereby accepted.

2. Resolved, That the proposition of the Messrs Kimball for the sale to the state of the Capitol Building and fixtures, furniture, &c., be, and is hereby accepted.

3. Resolved, That a committee of one from the Senate and one from the House of Representatives be appointed to examine into the titles, and arrange all the details upon the basis of the propositions of the Messrs Kimball, and the City Council—and on the application of said Committee the Governor be and he is hereby authorized to issue to the Messrs Kimball, seven per cent. bonds of the state, having twenty years to run, reserving in his possession a sufficient amount of said bonds to secure the return to the state of the \$54,500 paid by His Excellency, the Governor, to the Messrs Kimball, and it shall be the duty of said Committee to see that the said amount of \$54,500 is returned to the state.

Approved August 22, 1870. (See Public Laws of 1870.)

Under this resolution the Hon. Joel C. Fain, of the Senate, and Hon. Ephraim Tweedy, of the House, were appointed a Committee for the purposes set forth in the resolution.

On the said 23d day of August, 1870, this Committee made the following Report:

To His Excellency, RUFUS B. BULLOCK, Governor of the State of Georgia.

The undersigned, a Committee appointed to examine the title to the Kimball Opera House property, and to arrange all the details of the transfer of said property to the state, upon the basis of the propositions of H. I. Kimball and that of the city council of Atlanta, beg leave to state to His Excellency, that they have examined said title and *find it perfect*—a conveyance of the property has been made, and we therefore have the honor to ask your Excellency to issue to said H. I. Kimball seven per cent. bonds of the state of Georgia, having twenty years to run, to the amount of two hundred and fifty thousand dollars, and that your Excellency will reserve in your possession a sufficient amount of said bonds to secure the return to the state of fifty-four thousand five hundred dollars paid by you to said Kimball.

We have the honor to be your Excellency's obedient servants.

J. C. FAIN, of Senate,

EPHRAIM TWEEDY, of House.

EXECUTIVE DEPARTMENT, Atlanta, Ga., April 23, 1872.

I, J. W. Warren, Secretary of the Executive Department, do hereby certify that the foregoing copy of a report of Hon. J. C. Fain and Hon. Ephraim Tweedy, is a true copy of the original on file in the Executive Department.

J. W. WARREN,

[L. S.] Seal of Ex. Dpt.

Sec'y Ex. Dpt.

It will be observed that with this whole transaction the Governor has little or nothing to do. The purchase and its terms are all arranged by and between Mr. H. I. Kimball and a Committee of the Legislature. The resolution of the General Assembly, authorizing the purchase, places the whole matter in the hands of a committee, who are to *"examine the title and arrange all the details."* The Governor is not authorized to issue the bonds, except *"on the application of said Committee."* It is also made the duty of "said committee to see the said amount of \$54,500 returned to the state."

The committee is charged with this entire business, and with the committee the responsibility rests. The whole matter was therefore left by me to the committee, and I took little or no part in the transaction. It was all arranged and perfected by and between Mr. H. I. Kimball on the one side, and the Committee on behalf of the state on the other.

The Committee reported that they had examined the title and *"found it perfect,"* and directed me to issue the bonds, and were satisfied that the \$54,500 had been returned. That they were expressly directed in the resolution to *"see to,"* and Mr. Kimball *did* in fact refund the \$54,500, through the Fourth National Bank of New York, and the bonds to the amount of two hundred and

fifty thousand dollars, "on the application of the Committee" were issued to him.

The balance of the purchase money being \$130,000 of Atlanta City Bonds, was paid to Mr. Kimball as follows:

Office of H. I. KIMBALL, Atlanta, Ga., Aug. 25, 1870.
Received of the City of Atlanta, \$30,000 of the bonds which they have contracted to give the state in part payment for the Capitol Building.

H. I. KIMBALL.

Office of H. I. KIMBALL, Atlanta, Dec. 31, 1870.

PERINO BROWN, Treasurer.—Dr. Sir: On the payment of one hundred and sixty-six 60-100 Dollars by Mr. H. I. Kimball, please deliver to him the balance of the bonds in your hands belonging to him. Being a total of one hundred, less what has been delivered to him.

Respectfully,

WM. EZZARD, Mayor.

EXECUTIVE DEPARTMENT, Atlanta, April 23, 1872

I, J. W. Warren, Secretary of the Executive Department, do hereby certify, that the foregoing copy of a receipt for \$30,000 of Atlanta City Bonds, dated the 25th day of August, 1870—and the foregoing copy of an order signed Wm. Ezzard, Mayor, and dated Dec. 31, 1870, are true copies of the originals on file in the Executive Department.

J. W. WARREN,

[L. S.] Seal of Ex. Dpt.

Sec'y of Ex. Dpt.

I HEREBY CERTIFY, that as City Treasurer, I delivered to H. I. Kimball, on the order of Wm. Ezzard, Mayor, on the 31st day of December, 1870, twenty-five thousand dollars of Atlanta City Bonds, and that I had *before that date* delivered to said Kimball, of said City Bonds, seventy-five thousand dollars, making in all delivered by me, as said City Treasurer, one hundred thousand dollars of said city bonds, pursuant to a resolution of the Council, on account of the purchase of the Capitol Building by the state of Georgia.

April 22, 1872

PERINO BROWN.

Late Treasurer City of Atlanta, Ga.

(The original of this last document is in my possession.)

This accounts for the whole of the balance of the purchase price of \$130,000 in Atlanta City Bonds, and it is conclusively shown from the foregoing documentary evidence that the whole of the bonds in question were drawn by H. I. Kimball from the City Treasurer upon the order of the Mayor, and that I had nothing whatever to do with the matter; did not receive and never was in possession of any portion of the bonds in question. Burns, in his affidavit, (page 20) says: the said bonds "were obtained by E. N. Kimball from the City Treasurer, on the order of the Mayor, and were by the deponent, (Burns,) put in a package, sealed up, and sent to H. I. Kimball in New York. That said bonds were at no time in the possession of Governor Bullock, or in the Executive office." Yet these are the identical bonds which the committee charge me with converting to my own use! The bonds belonged to H. I. Kimball, and were part of the purchase price due him for the building. When he received the bonds, the purchase price was paid,

and the state discharged from all liability.—The great point however, attempted to be made by the committee, arises out of the unpaid

MORTGAGE ON THE CAPITOL.

It is here that they plant themselves most firmly, and congratulate themselves most highly, as having found proof of official misconduct. It was upon this, that on a perjury prepared by Gen. Toombs, a warrant was secretly issued for my arrest.

The whole of the case as presented by the committee in their report, rests upon the following paper:

Whereas, Heretofore a mortgage was made by me to the North Western Insurance Company, covering what is known as the Atlanta Opera House property, on Marietta and Forsyth streets, in the city of Atlanta, to secure said Insurance Company in the loan to me of sixty thousand dollars, with its interest, which said mortgage is still unsettled, and

Whereas, I have this day conveyed said property to the state of Georgia, in pursuance of a contract heretofore made between the Mayor and Council of the city of Atlanta, the state of Georgia and myself, and it is a part of said transaction that I am to protect the state of Georgia against the mortgage hereinbefore recited.

Therefore, I hereby deposit with His Excellency, the Governor of the state, for the use of the state, a certificate this day granted by the Mayor and Council of the city of Atlanta, whereby it is shown that the state of Georgia is entitled to the bonds of said city, to the amount of one hundred and thirty thousand dollars; and I also hereby direct His Excellency, the Governor, for the use of the state, to receive of the said city of Atlanta said bonds whenever they can be prepared, and he will hold said certificate and said bonds as security against said mortgage, and not deliver them, or either of them, to me, until said mortgage has been fully satisfied.

Signed,

H. I. KIMBALL.

The following is a copy of the proceedings of the Common Council of August 23, 1870, authorizing the certificate referred to in the foregoing paper:

ATLANTA, August 23, 1870.

Called meeting of the Mayor and Council of the city of Atlanta, Ga. Present—His Honor Mayor Ezzard and Councilmen Durning, Howell, Fowler, Castleberry, Calloway, Mahony and Murphey.

On motion the following preamble and resolution was adopted.

Whereas, The proposition of this body made to the state of Georgia to contribute one hundred and thirty thousand dollars in the bonds of the city towards the purchase by the state of the Kimball Opera House property, has been accepted by the state, without modification, and

Whereas, This body is not now prepared to issue said bonds, because it takes some time to have them gotten up, in lieu thereof. Be it ordained that a Certificate be issued by the Mayor, under the corporate seal, to the following effect, to wit:

STATE OF GEORGIA, }
City of Atlanta, }

To all whom it may concern:

The Mayor and Council of the city of Atlanta hereby certify that there is due from said Mayor and Council to the state of Georgia, the seven per cent. twenty years bonds of said city, to the amount of one hundred and thirty thousand dollars, which said bonds said Mayor and Council propose to contribute towards the purchase by the state of Kimball's Opera House property, and which said proposition has been accepted, and the

purchase made,—said bonds are to be delivered to the holder of this certificate, upon the return hereof; and that he deliver said certificate to His Excellency, the Governor of the state, to be held by him, or H. I. Kimball until the bonds are issued.

The above is a true extract from the regular minutes of the City Council of the City of Atlanta, this April 23, 1872.

S. H. LOVE, Clerk

[Seal]

City Council, Atlanta.

Had I drawn the bonds on the certificate referred to, there might be some slight color for the charge made against me, but the fact has been shown that Mr. Kimball drew the bonds himself, the whole of them, not on the certificate, but on the order of the Mayor, Wm. Ezzard.

This appears strange on its face, but the truth of the whole matter is, as has since been disclosed, that Mr. Kimball had a *private agreement* and understanding with the city authorities, respecting those bonds. An agreement unknown to myself, or the Opera House Committee, at the time, and which was purposely kept secret. This appears from the testimony of Volney Dunning on page 22, 23 of the testimony, who swears to the fact, and that it was *privately* agreed between Mr. Kimball and the city authorities, that Kimball was to receive but "eighty thousand five hundred dollars, exclusive of ten thousand five hundred dollars, which had been paid for rent."

Mr. Dunning was then a member of the Council. Anthony Murphey, also a member of the Council, and Mr. Ezzard, Mayor of the city at the time, both testify to this *secret* understanding, this *private* agreement between the city authorities and Mr. Kimball, by which the city was to pay an amount much less than one hundred and thirty thousand dollars.

The certificate referred to, therefore, recites a falsehood on its face, and was a "sham," and amounted to nothing, nor need we be surprised to find that pursuant to this *private* understanding, Mr. Kimball, drew whatever bonds he did draw, on the order of the Mayor, from the Treasurer of the city,

This was undoubtedly a sharp business transaction on the part of the democratic city council and Mr. Kimball, but it was something with which I, either as Governor or as an individual, had nothing to do, and was entirely ignorant of until it was disclosed in this investigation. It appears to me that this committee, appointed to investigate my official conduct, would much better

have served the public interest by taking steps to compel the city of Atlanta to make this crooked transaction straight, than by bringing unfounded charges against me.

As appears from the affidavits of J. M. Burns and H. I. Kimball, these city bonds were sent on to New York for the purpose of paying off the mortgage—and the reason why that was not done, also fully appears from the same affidavits—Mr. Kimball owing to the persistent and malignant persecutions of the very class to which this committee belongs, failed in business, leaving this obligation, together with his other liabilities unpaid. That is the whole story.

That I ever had the bonds in my possession, or ever had any share of the proceeds of the same, has not, and can not be proved. On the contrary, the proof is ample, that such was not the case.

The Committee, with their characteristic effrontery say in their reports, page 11, that the fifty-four thousand five hundred dollars was never paid by Kimball, although there is no testimony whatever on this point. This \$54,500 was not "for money drawn from the treasury" by Mr. Kimball "without any authority of law," as stated by the committee. It was for money paid Mr. Kimball for heating, lighting and furnishing the Capitol building for the use of the General Assembly.—The seats on which they sat, the desks on which they wrote, the heat that warmed and the gas fixtures which lighted the building. The committee knew this, and are guilty in this particular, of a wilful and deliberate and malicious misstatement. They also knew or might have known, if they had taken the trouble to inquire, that the money was refunded by Mr. Kimball.

The state having purchased the entire building, together with the furniture, at an estimated price; it was agreed that Mr. Kimball should refund the money which he had been previously paid for the furniture, &c.

This he did through the Fourth National Bank of New York, and that Bank, in its account, rendered the State Treasurer, on the 1st of January, 1871, gave the state credit for the amount. It is hardly possible that the committee could have been ignorant of this fact, so easy to be ascertained from records on file in the very building in which this "Inquisition" held its secret sessions.

(See also, on this point, H. I. Kimball's letter of July 26, 1872, to one of my Attornies, page 34.)

It may be said, and I am informed, has been said by many, that I trusted too much in the integrity and financial stability of Mr. Kimball. Well, if I did, that is not a crime, nor was I at all singular or alone in placing confidence in Mr. Kimball. He stood very high. The evidences of his financial ability were visible on every side, and on almost every street. Not only the stately piles of buildings which adorned and so greatly advanced the city of Atlanta, but far out, and all over the state, hundreds of miles of completed Railroads, all testified to his sagacity, ability and energy. He was doing and had done more to promote the prosperity of the state of Georgia, to encourage the influx of capital so much needed, and to add to the taxable value of property, than any one man or set of men had done for fifty years before. Not only at Chicago and in the west, but in New England, and also upon Wall Street his credit was almost unlimited. He enjoyed the fullest confidence of Bankers and Capitalists everywhere. It is not strange then, that I also looked upon him with confidence and regarded him as a gentleman entitled to the highest credit. If any temporary loss has resulted to the state through Mr. Kimball, those who like Gen. Toombs and the stuff out of which these committees were made, who with persistent malice sought his ruin, both financially and otherwise, are to be blamed; for it is my firm belief that had Mr. Kimball received that encouragement and assistance which, in the midst of his great enterprises, would have been cheerfully and without stint awarded him by people whose political and sectional animosities did not blind them to their best interests, he would have honorably fulfilled all of his business engagements, and have successfully finished all of his vast schemes of internal improvement to the manifest prosperity of the entire state. But he was guilty of three crimes, he was a northern man, a New Englander and a Republican—that was quite sufficient to bring down upon him the entire *Klan*. If others of energy, wealth and ability, warned by this example, now shun Georgia as an "infected district," it is not to be wondered at. Just so long as the men and the senti-

ments that wrought the desolation of war, are permitted to control public affairs in the state, in opposition to a majority of her citizens, just so long will the best interests of the people be trampled under foot, that the mercenary and malicious purposes of the ruling clique may be satisfied. It is already semi-officially asserted that within the last year, owing to the action and control of this clique, all public improvements have been checked or abandoned—no new ones have been started, and “that from ten to twelve thousand emigrants have moved out of the state, while not over six hundred immigrants have come into the state.” These twelve thousand persons have taken away with them, property and money to the value of, say \$500 each, making an aggregate loss to the state of six millions of dollars, within the last year. Such are the deplorable results of the recent change in the political control of public affairs in Georgia.

PRINTING.

The committee seem to think I was rather too extravagant in the matter of printing public documents—but when the bills come in for the printing of the voluminous and useless reports of five investigating committees, it will be found that my administration will compare to great advantage in this respect with the present one.

It is true, I published a good many Proclamations, but the numerous Ku Klux outrages and murders, committed by that portion of the Democracy, of which these committeemen are fair representatives, made them necessary in order to uphold the law, protect life and property and if possible lead to the detection of the guilty parties.

The *New Era*, a newspaper, was bought by John Rice. It was the organ of the Republican Party, and it had the State printing, by election of the Legislature, just as the Constitution newspaper now does as the organ of the Democratic Party. These important facts are all that is established by the testimony of eight witnesses, and the committee ought to be congratulated on the results of their investigations on that point. [See pages 89, 90, 91, 92 and 93 of printed testimony.]

There is no evidence whatever, that any unlawful act was done by the *New Era*, or by its proprietor, editors or business manager, or that other than the rates prescribed by law, were paid for the work done by that establishment. And while the committee attempt to be facetious at the expense of the newspapers throughout the State that published Executive orders and proclamations, they do not dare to charge that there was any agreement, understanding or requirement whereby those papers were to be controlled by me in their political sentiments or expressions.

THE PENITENTIARY.

There are some thirteen pages of testimony relative to the management of this institution, the

sum total of which is, that during the earlier days of my administration, some of the officials at the Penitentiary were charged with appropriating to their own use a portion of the supplies and furniture, provided for that institution. If the Committee had not hedged themselves in with secrecy, and proceeded “*ex parte*,” the fact would have been made as apparent to them as it is already well known to the public, that every one of the officials named by them were removed from office by me. The committee are also very careful to abstain from mentioning in their report upon “the official conduct of R. B. Bullock,” that it was under his administration, and by Republican authority, that the Penitentiary, for the first time in the history of the State, was made self-sustaining, and the convicts transformed from consumers into producers. Under Democratic control, since the organization of the Penitentiary, that institution had been a tax upon the State of one or more hundred thousand dollars annually. Under Republican authority, the labor of the convicts was hired to contractors, who paid all the expenses of their care and keeping, and made their labor beneficial to the State at large, in the construction of much needed railways. The policy inaugurated by me, under Republican direction has been so successful that the Penitentiary from being an annual expense for a large sum from the tax payers, is now a source of considerable and reliable revenue to the Treasury, in addition to the indirect benefits derived by the State from the results of the convict labor.

ATTORNEY'S FEES.

Under this head the committee present a large list of attorneys by name, and the amounts paid. The list has not the merit of being correct; but granting all that they claim, all that need be said is, that the legal gentlemen earned their fees, and by their labors saved the State amounts greatly in advance of the sum which was paid for them. It remains to be seen how much the expenses of the prosecutions and litigations set in motion by these investigating committees, and growing out of the repudiation of the bonds of the State, will amount to. Fulton county already puts in a claim of \$15,000 under this head, and Representative Glenn informed the House that in the end it would reach to the amount of \$30,000. There can be no doubt that the sum total of legal expenses foolishly and unwisely incurred by the present administration, will reach an enormous sum. But the real fault as admitted by the committee, is that the attorneys were employed by a Republican administration. In other words, if the legal fees which they complain of, had been incurred by a Democratic Governor, they would have considered such fees as legal and proper, because, in a note attached to their report [page 25] they say: “The foregoing strictures are not intended to apply to Messrs. Collier & Hoyt, who went into the case of the Mitchell heirs vs. the State, under the administration of Governor Jenkins, &c., &c.” In the opinion of the committee, therefore, it was lawful and commendable for Governor Jenkins to retain Messrs. Collier & Hoyt, but it was a “vigorous effort” “to subsidize” “the bar of

the State" "without the sanction of law or precedent" for me to retain Judge Hopkins and Col. Wm. Dougherty in the same case. In the following extract from their report [page 26] the committee admit the efficiency of my efforts to enforce the civil law, by employing assistance for the prosecuting officers, and at the same time exhibit their disapproval of such enforcement. The committee say: "The solicitors General are solely charged with the prosecution of State cases, yet it appears that Bullock was so tender of the public morals, that he freely volunteered as prosecutor at the public expense."

The cause for this burst of indignation, was the employment by me of detectives, and attorneys, to convict the villains who way laid and assassinated the Hon. George W. Fish, a Republican Judge of the District Court.

Need more be said on this point?

The committee in their report make a great flourish about

PARDONS

granted. Although there is no testimony showing anything corrupt in the exercise of executive clemency on my part, the committee meanly insinuate that a system of pardon brokerage existed.

The testimony on this point is confined to that of two witnesses [see pages 88 and 89 of the testimony.] The testimony of one witness is badly garbled, and that of the other amounts to nothing. I will quote the testimony of these witnesses in full, as reported:

R. H. ATKINSON, Sworn:

Witness had charge of pardons. It was his duty to prepare the salient points of the testimony, for the use of the Governor. Witness frequently indorsed his recommendation on the evidence, either for or against the pardon—which recommendations, witness thinks, were almost always followed. When the recommendations for pardons were made by members of the Legislature or other prominent officials, the pardons were generally granted as a matter of course." [Page 88 of printed testimony.]

The committee in their report say—[page 26 of report] "His Excellency in these cases took no cognizance of the original papers, and we believe invariably followed the suggestion of the Secretary as to the propriety of exercising clemency."

Certainly the testimony of Col. Atkinson—which is all the testimony there is on this point—does not sustain the language of the report, although the testimony of this witness is badly "garbled."

What Col. Atkinson did swear to was in substance—that I always did examine the "original papers," and that I did not invariably follow his suggestions. [See letter of the Col., page 14.]

The testimony of the remaining witness is as follows:

JAMES SHERLOCK, Sworn:

Colonel Walton, Biglow, Dr. Willis and other officers of the Penitentiary, were engaged in getting pardons for the convicts. If a man could get money he could get out, this was generally understood among the convicts. Some of the convicts were pardoned who did not have the money, but worked for the officers afterwards, to pay what they had promised. Most of this class were negroes. [Pages 88 and 89 of printed testimony.]

Now this testimony—being all hearsay—and no opportunity for cross examination allowed—if it proves anything, [may tend to show that Col. Walton and Biglow and Dr. Willis were engaged

in getting money out of the ignorant negro convicts, by improper representations and influences. There is nothing to connect me with it at all, and certainly the "opinions," or what was the "general understanding" among the convicts, is no testimony against me.

If there was any one pardon obtained through corrupt or improper influence, why does not the committee show it and specify it and prove it?

I challenge them and all the world to do so.

The only case specified, and on which the committee seeks to make a point, is the Long case.

Judge J. R. Parrott testifies in relation to this case, but his testimony only shows that he differed with me as to the propriety of granting this pardon; but Judge Parrott was not in possession of all the facts of the case. As this is the only case specified by the committee, the facts respecting the pardon of Long will be given in full, showing the reasons upon which my action was based, and when this is done my conduct will be fully justified, and the granting of the pardon found to be warranted by the circumstance of the case. The application for this pardon was signed by two hundred and twenty-nine citizens of Walker County, who had known Long for a series of years—many of them from his childhood—and were familiar with the circumstances of the case, and with his character. Among those who signed the application for this pardon are many citizens whose character for integrity and honor is far above reproach, and well known to the people of the State at large.

This pardon was also solicited by Governor Brownlow, of Tennessee, and by Hon. D. W. C. Senter, then Speaker of the Senate of Tennessee and since governor of that State; Hon. D. W. Nelson, Clerk of State Senate, Hon. S. M. Henderson, Hon. Jas. T. Griffith, Hon. John Anderson, Hon. L. M. Blackman, Hon. G. M. Bloomer, and Hon. M. C. White, all members of the Legislature of Tennessee, of which State Long was a citizen.

The facts in this case, as will appear from the papers now on file in the Executive office, are briefly these:

In the Fall of 1866, John A. Long, a citizen of Polk County, Tennessee, accompanied by J. C. Duff, (also a citizen of said county), went into the State of Georgia in pursuit of a horse which had been stolen from said Duff, who had employed Long to go with him and aid in the recovery of his property. The stolen horse was found in the town of Calhoun, Gordon County, Georgia, in the possession of a man named King.

Duff immediately applied to the proper civil authorities for legal process in order to obtain his property, but was refused, "on the ground that there was at that time an ill-feeling existing between the Georgians and Tennesseans." The lawyers of Calhoun all refused to aid Captain Duff. During this time, and while Duff was thus endeavoring to obtain his horse by peaceable and legal means, the man King, who was in possession of the horse, told Duff that he had the lives of Long and himself in his hands, and that neither of the two could get out of town alive if he, King, said so.

Duff and Long were compelled, under the circumstances, to abandon the idea of any legal means to recover the property, and were preparing to return to Tennessee, at which time a conversation ensued between King and Long, the result of which was an invitation from King to Long to go home with him. Long accepted, and was told to ride this horse of Duff's. Long managed to get away from King with the horse, and started back for the purpose of delivering the horse to its owner, Captain Duff. Long had not proceeded far when he was halted by three armed men, one of whom was Eckols, (the person afterwards shot), who asked him if he "was not hunting horse thieves and stolen horses, to which he, Mr. Long, replied he was; when Eckols, with a revolver or a navy in his hands, said to Long: 'Sir, you look more like a d—d horse thief yourself than any I have seen.' Mr. Long, supposing he would be shot, drew a pistol and shot Eckols dead."

These were the facts of the killing.

J. C. Duff, above mentioned, served with distinction as a captain in the 10th Tennessee Cavalry, U. S. A., and there were living within a few miles of Calhoun two men who were formerly enlisted men in his company. These men had identified the horse, and would have made oath that it was the property of Captain Duff, the captain having rode said horse for some two years in the army.

Such are the facts of the case specially cited by the committee, all of which are on record in the Executive Department.

John A. Long was a member of the 11th Tennessee Union Cavalry. He served for three years as such, and received an honorable discharge. He also served with distinction as a Federal scout in the Army of the Cumberland. His pardon was asked for by the Governor, and by all the executive and legislative officials of Tennessee, supported by the recommendation of a large number of the citizens of our own State. The bitterness engendered by the hostilities of the rebellion seems to have culminated in the alleged crime for which Long was convicted, and for which he had already served more than two years in prison, and I acted upon the request of the Governor of an adjoining State, supported by the recommendation of the citizens of our own State, who formed the community most interested in the case. The only question involved is that of official judgment in the performance of official duties, and I am perfectly willing to submit the case on its merits for the approval of my fellow citizens.

The committee, in their report, say (page 28): "The papers in most cases are on file in the executive office, and as access can so readily be had to them, we conclude not to swell the volume of this report with a detail of their contents."

No, that is not the reason. You would not begrudge the space or be afraid to "swell the volume" of your report, if these documents told against me. The truth is, you did not dare to publish the testimony and recommendations upon which these pardons were granted. They would have given the lie to the unfounded and slanderous assertions of your report, and shown my

official conduct as pure and unsullied in every case, as in that of Long.

After a careful examination, animated with a malicious zeal to find out something which would disclose evidence of corruption, the Long case was deliberately selected as being the one which told the strongest against me. How perfectly justifiable and far above reproach must then have been my action in all the other cases.

As to the number of pardons granted, the committee are guilty of a most contemptible subterfuge. The cases are all numbered in consecutive order, and as reported by the committee, in a list begin at 1 and end at 523. This would give the reader to understand that there had been granted 523 pardons, and an Atlanta newspaper, in giving an abstract of the report, says, speaking of myself: "He pardoned 523 cases."

If you will look closely at the list, as printed, you will observe that every now and then one or more consecutive numbers are dropped out. On page 71, for instance, the numbers run 9, 14, 17, 18, 20. Here, then, are left out numbers 10, 11, 12, 13, 15, 16, and 19. These are cases where pardons were refused, but the committee makes no note of it. On page 72 the numbers run 24, 28, 29, 31, 33, 39, 40, 48, 49, 50, 57. Here numbers 25, 26, 27, 30, 31, 32, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45, 46, 47, 51, 52, 53, 54, 55, and 56, are omitted. It is easy in this way to count up 523, or any other number of pardons granted. The same trick is resorted to all through the list, up to and including page 87 of the testimony. This list so garbled, and the testimony of the two witnesses above given in full, and the testimony of Judge Parrott on the Long case, comprises the whole of the testimony on the subject of pardons, and it is on this flimsy base that is raised the structure of misrepresentation and abuse contained in the report. The object of the committee in representing the number of pardons to be so large is to provide standing ground for their orators and newspapers who allege that the organization and operation of the infamous Ku Klux Klan was necessary to protect society against the ravages of criminals pardoned by Radical officials. So far from there being any laxity in the enforcement of civil law under my administration, the most vigorous prosecution of all violators of the law was inaugurated, a number of the members of the Klan were arrested and convicted in the State Courts, and the horrid regalia in which they were captured was on exhibition at the capitol. That the Klan finally overthrew me I must admit, and that Georgia is now the safe refuge and asylum for members of the Klan from other States who have fled from the federal authorities, is no fault of mine.

There were two peculiar classes of cases falling under review for pardon during my administration, exceptional in their character, which largely increased the number of pardons granted.

In almost all the cases, when a pardon was granted for murder before trial, the indictments had been found before the late war, and some of them during the war. In these cases material witnesses, both on the part of the prosecution and the defence, had removed far beyond the jurisdic-

tion of the State, or had died or been killed during the conflict; thus rendering, in some cases, conviction impossible, and in others preventing persons charged from making any defence. Some of these cases remained on the criminal docket for years, postponed and continued from term to term of the courts. These, it will be seen, formed an *exceptional* class of cases, arising out of the exigencies of the war.

There were a large number of these, and in such cases, where pardons were granted, each case was fully and carefully examined by me, and a conclusion reached which, in my judgment, met the ends of justice on the one hand, and answered the claims of humanity on the other. In addition to the merits of the case, very generally the pardon was earnestly recommended by the senators and representatives of the district, together with the most highly respectable citizens of the county of vicinity where the crime was alleged to have been committed, and in some instances by the officers of the court where the indictment was pending.

Another class of exceptional cases, which tended to swell the aggregate number of pardons granted, was that of convicts convicted of the offence of burglary in the night time, the punishment for which was *death* or imprisonment for life. The General Assembly, in its wisdom, deemed proper to amend the code so that the punishment for this crime was reduced to imprisonment for life, or for a less period. In view of this change in the law, pardons were granted in such cases as presented meritorious features, and where the convict had *already* served a period of from four to five years' imprisonment. In such cases the recommendation of the officers and lessees of the penitentiary for good behavior, or on account of physical disability to perform manual labor, and which, in case of further confinement, would probably cause death, seemed to me to justify the exercise of Executive clemency. When pardons were granted for good behavior, they took effect only one or two days before the expiration of the term of imprisonment imposed by the court. The committee has utterly failed to show any corrupt or improper influences in connection with my official acts in this particular. The most that can therefore be said against me is that I erred in judgment, and listened too easily to the promptings of mercy. Yet it is believed that a full examination of each case will fully justify my action therein.

LOANS NEGOTIATED.

Under this head, in their report, the committee do not even by implication show that any loans were negotiated by me or under my direction that were not fully authorized by law, nor do they allege that the proceeds of such loans were not duly accounted for.

But in their report, under the head of

COMPLICITY OF BULLOCK & KIMBALL

the committee present a garbled ac-

count current by which it is made to appear that a balance of \$149,500 of loans negotiated through Mr. Kimball remains still unaccounted for, and say "this last amount the partnership realized on the little matter of loans negotiated by Mr. Kimball." The committee must have known, though they carefully avoid permitting it to appear in their report or testimony, that Mr. Kimball, as agent for the State, negotiated but two loans, the total result of which there \$87,850 from Russell Sage and \$73,500 from A. S. Whiton, making a net total of \$161,350, of which the committee, in their garbled account current (page 4) *admit* that \$105,000 went to the State's credit. How, then, could \$149,500 be "*realized*" by the "*partnership*" or anybody else?

The garbled account current presented by the committee to establish this "*partnership*," &c., lacks even the merit of ingenuity. Stupified by their malice they blindly fall by their own act. The figures the committee present contradict the conclusions advanced by them. The succeeding portion of the committee's report under the head of

GEORGIA NATIONAL BANK

clearly exhibits the strained condition in which the committee found themselves, in their endeavor to throw blame upon me in connection with "loans negotiated."

It there appears that the irregularity in the State's account occurred *AFTER* my resignation, and by reason of the false and fraudulent transactions of Mr. E. L. Jones, Cashier of the Georgia National Bank, in falsifying the books of the bank in such a manner as to rob the State for the purpose of paying the insolvent debts of that institution.

In order to justify their "*partnership*" theory the committee assume to believe Mr. Jones when he says I authorized him "in language and *manner* that could not be misunderstood" to perpetrate this fraud upon the State,

but almost in the same breath contradict themselves by causing the seizure of the bank and demanding the payment of the whole amount due the State.

A careful reader of the committees report and testimony will see that every loan negotiated or authorized by me was in obedience to and compliance with express statutes, and that every dollar of the proceeds was duly and lawfully accounted for and placed to the credit of the State.

The action of the Georgia National Bank, through its cashier, *after my resignation*, whereby he sought to protect the bank and himself against bad debts and bad investments by charging the State account with individual balances on his books was no fault of mine, and as my letter to the bank and to his Excellency Governor Conley (page 5) shows, was condemned and exposed by me the moment that action came to my knowledge, and all the assistance in my power has been given to the State authorities to enable them to compel the bank to make an honest settlement.

In connection with the subject of "loans negotiated," I invite attention to the following letter from Mr. H. I. Kimball, received by Judge Brown, one of my Attorneys.

LETTER FROM H. I. KIMBALL.

(Copy.) NEW HAVEN, July 26, 1862.

JUDGE ROBERT H. BROWN, Atlanta, Ga.:

DR. SIR:—Having within the past few days come in possession of the Reports of the various Committees of the Georgia Legislature, and finding some of the testimony to grossly misrepresent the facts, my sense of justice will not allow me to let them pass unnoticed. Learning from Mr. Cook that you are Attorney for, and representing Ex-Governor Bullock before the present Legislature of Georgia, I have thought proper to execute and forward to your address an affidavit, which I trust may be of service to you in disproving the assumption of the Committee that Gov. Bullock was a partner of mine, or in any way financially interested in my business operations. I have also requested Mr. G. Cook, who was for over a year my general business manager, and W. E. Armstrong, for a long time my private pho-

nographic Secretary, and Mr. J. A. Burns, who was my confidential cashier during my entire residence in Georgia, to prepare and deliver you their own affidavits on this same subject.

My brother E. N. will, I am sure, cheerfully add his testimony on the same subject and to the same effect, whenever the intelligence reaches him of the injustice the testimony of Mr. Jones and others has done the Governor.

To the charge of co-partnership between the Governor and myself the affidavits will fully answer.

In regard to the loans made through me as agent of the State, I will say that I never made but two, as may be seen from my official report.

The first I made through Mr. Russell Sage, with the Importers and Traders Bank, New York, for one hundred thousand dollars, and the proceeds were paid as follows:

| | |
|--|-----------------|
| To Mr. Sage for commission and guarantee, | \$ 2,000 |
| For Revenue Stamp on note, | 50 |
| To Sage for amount he had previously deposited at the Park Bank to the credit of the Georgia National Bank, for the State, | 10,000 |
| Interest on the same, | 100 |
| Deposited in Importers and Traders Bank to credit of Georgia National Bank, by me as agent for the State, | 40,000 |
| Deposited in Park Bank to same credit, | 47,850 |
| | <hr/> \$100,000 |

The day after the before mentioned deposit was made at the Importers and Traders Bank, I, as Vice President of the Georgia National Bank, gave Mr. Sage a check on said bank for \$13,252.08, being the interest and commission due him from the State on account of the loans made with him by Mr. Rice. The drawing of the check left a balance of \$26,747.92 in the Importers and Traders Bank to the credit of the Georgia National Bank, which together with the amount of \$47,850 deposited in the Park Bank, makes up the sum of \$74,597.92.

Learning from the Executive Department that the Georgia National Bank had not notified Mr. Scott of this credit I immediately investigated the matter and found that Mr. Jones had opened a separate and new account on the books of the bank and placed the before mentioned sum to my credit as agent.

I at once made a check on the bank signing it as "Agent" to correspond with the credit he had on his books and had the amount placed to the credit of the State where it belonged.

This is the check referred to by the committee on page 6 of their report as "Bullock's check on Kimball for \$74,597.92."

Mr. Jones gave me no satisfactory reason at the time I looked into the matter for making the credit in the manner he did—when he knew it should have been to the credit of the State—and I could not understand it then, but subsequent events which have developed "his pecu-

liar style of book-keeping" have convinced me that he intended fully to provide for *himself* at all events.

The second loan was made through Mr. A. S. Whiton for \$75,000, and was paid as follows:

| | |
|--|----------------|
| Commission and guarantee, | \$ 1,500 |
| Deposited in Fourth National Bank to the credit of Georgia National Bank for the use of the State, | 30,000 |
| Deposited at the Park National Bank to the same credit, | 43,500 |
| | <hr/> \$75,000 |

Though the above deposits were made as stated the Georgia National Bank, following out their "peculiar style of book-keeping," only credited the State with the \$30,000 which was deposited at the Fourth National Bank. I fully explained the circumstances of this last loan in a letter to Gov. Bullock last November, which I presume he has apprised you of.

These two loans are the only ones I ever negotiated, or attempted to negotiate for the State. And in neither case did the bonds that were used as collateral pass through my hands, but were sent by Gov. Bullock directly to Mr. Sage and Mr. Whiton, and every dollar received on account of these loans (less amounts paid for commissions and interest) was regularly deposited to the credit of the Georgia National Bank for the State account, in the manner and at the times shown in my official report.

The Bond Committee say on page 160 of their Report that

"Mr. Kimball received of the Fourth National Bank the currency bonds held by that house and instead of returning them to the State as cancelled, as he was directed to do by his letter of instructions from Gov. Bullock, to be found on page 129 of our printed testimony, he hypothecated \$120,000 with J. Boorman, Johnson & Co., and \$50,000 with A. G. Johns, President of "Fulton Bank of Brooklyn," and received on both hypothecations money on his *private account*."

This statement is *not true*.

I did not receive any currency bonds from the Fourth National Bank, neither did I ever receive from any other persons any bonds of the State, which were not issued directly to me by authority of law.

As agent of the State, and acting under the letter of instructions from Gov. Bullock, I simply requested the Fourth National Bank and Messrs Clews & Co., to cancel and return the currency bonds held by them to the State Treasurer. I never saw or handled any of these bonds referred to by the Bond Committee—and the loan made with the Messrs. J. Boorman Johnson & Co. and the Fulton Bank were made for account of, and on the obligations of my firm and with which the State had no connection whatever. The committee must have misreported the testimony of these gentlemen, given on this subject, for surely they could not have said that I represented those

loans to be for State account. Mr. Johns I never saw; the loan was made with him for account of my firm through my broker, and I remember distinctly of stating to Mr. Knox in reply to his inquiries that these bonds were issued to me in payment for the Opera House, which was the fact.

Referring to the report of the committee to investigate the official conduct of Gov. Bullock on pages 11 and 12, in speaking of the \$54,500 advanced to me by Gov. Bullock on account of furnishing, heating and lighting the Capitol building, and which by the terms of the sale I agreed to refund, they say, "Disregarding this Legislative mandate he proceeded to deliver to Mr. Kimball the whole amount of the bonds authorized by the terms of the purchase, leaving the \$54,500 due by Kimball to the State unpaid."

This statement is in every particular positively *untrue*, as can be proved by the committee's own report, (see page 186) in the account of the State with the Fourth National Bank.

The facts are that I paid this \$54,500 to Messrs. Fain & Tweedy, the Opera House Committee, by my check on the Fourth National Bank of New York, which check was accepted by the committee and by them turned over to Gov. Bullock, at the same time they directed him to issue the bonds to me. Subsequently and before my check was used the Governor requested me to take up the check of \$54,500 and give him another check for \$55,000, that being the amount he had drawn from the Fourth National Bank, and he wished to return the same amount, stating that \$500 of the amount he had paid to Attorney General Farrow, and he would refund it to me, which he did. I accordingly took up the check of \$54,500 and gave him one for \$55,000, which amount was deposited to the credit of the State at the Fourth National Bank, New York, on the 2nd day of Dec., 1870. (See copy of the State's account with the bank on page 186 of the printed evidence.)

The committee while showing the above amount as being placed to the credit of the State by me, attempt to show that it was money received by me on account of loans made for the State while acting as agent of the State—but the evidence shows that the deposit was made Dec. 2nd, 1870, and I was not appointed agent of the State until March 10, 1871, had made no loans for account of the State until the end of May or June following. Comment on this misrepresentation of the committee is surely unnecessary.

This communication is intended only to explain such portions of the Report of the Committee as unjustly reflect upon Gov. Bullock and which only my own testimony could refute, and not for the purpose of even attempting any justification of my own acts; the time for that is not yet; but I am *not ashamed* of my record in Georgia or in Wall street—and notwithstanding the vile slanders and assaults of these committees I believe the time is not far distant

when the *people* (not the politicians) of Georgia will be ready to do me *justice*, as the following extracts from a letter recently received from Hon. Chas. L. Frost, President of the Brunswick and Albany Railroad Company will show you is being done me by the financiers in Wall street:

"Now, my dear sir, I write you to say that I have yet to hear the first act of complaint against your integrity."

"You expected to have carried out every promise, and would have done so had not the 'act of God' in the fearful destruction of Chicago by fire interfered with the finances of the country so as to cut off your resources."

I might add many other similar extracts from other letters, but in this connection they would not aid you.

Should you desire any farther information from me, I shall be pleased to assist you.

Respectfully yours,

(Signed) H. I. KIMBALL.

P. S. I send you with this a Copy of a letter from Henry Clews and my reply to the same, also Copies of telegrams from Clew to me, which I think will be useful to you.

H. I. K.

THE WESTERN AND ATLANTA RAIL ROAD.

There was a separate committee appointed to investigate the management of this road. And the committee to investigate my official conduct say that they "did not deem it proper to inquire into the subject farther than to assure (themselves) of the fact whether Governor Bullock was engaged in, or cognizant of, the irregularities which so notoriously attended the working of this valuable state property."

For the evidences of irregularities in the management of the road we are therefore to look to the testimony taken before the other committee—but for the proof of my complicity we are to look to this report. The committee to investigate my official conduct in their report say in effect that the proof on this latter point is clear and convincing. Such however is not the case, as will appear upon looking at the testimony itself. In this particular, as usual, the strong and positive assertions made in the report are entirely unsupported by the testimony, even in the garbled form in which it is reported.

A. L. Harris is the principal witness, and the one on whom the committee constantly rely when they desire to prove anything.

The peculiar measures adopted by the committee to compel Harris and others to purchase exemption from persecution by committing perjury for the use of the committee, have been fully explained heretofore on pages 15, 16 and 17. But he is careful to qualify his statements with "I think," and it is "my opinion," or what some one has told him. taking good care to name some person out of the state, or whose testimony cannot, as he thinks, be procured to contradict him.

With all his desire to earn his promised pardon, his testimony could not have stood the ordeal of a

cross-examination one moment. And on direct examination, with every disposition to say all he dare swear to that will be acceptable to the inquirers, he is reported on page 127 when testifying in relation to the State Road, as saying—"Witness does not know, and has no reason to believe, that Bullock or Blodgett ever made any thing out of the road illegally."

When we take into consideration that Harris is the main witness relied upon by the committee, and the man who had the active detailed management of the State Road, the committee must admit that by their own showing, they have failed in their purpose to throw discredit upon my official conduct through the W. & A. R. R.

With the management of the State Road the Governor has little or nothing to do. The law lodges the management and responsibility in other hands. It is true that the Governor is, *ex-officio*, President of the road, and as such has duties assigned him, but says the CODE, Sec. 972, "The principal officer of said road shall be styled the Superintendent." And again, Sec. 975, "The Superintendent has authority—

1. To conduct all the operations of said road connected with its repairs, equipment and management, including its financial affairs.
2. To appoint or remove all subordinate officers subject to the approval of the Governor, except the Auditor and Treasurer.
3. To fix the rate of passage and freight and to make all necessary arrangements touching such rates and other business with other railroads.
4. To contract for and purchase machinery, cars, materials, workshops, and all other contracts necessary for the general working and business of said road, not exceeding three thousand dollars, and over that amount subject to the approval of the Governor in writing.
5. To make contracts with the Government of the United States, with the consent of the Governor, for the transportation of the mails over said road.
6. To arrange the schedules for running trains at such times, either by day or night, as he may deem expedient.
7. To settle all claims against said road, with the approval of the Governor.
8. To sue officially for any claim due the State on account of said road, and defend all suits brought against road.
9. To make all necessary rules for the proper conduct of the business of the road and the enforcement of discipline.
10. To impose penalties for a violation of said rules and for breaches of duty by all persons in the employment of the road.
11. To see that the books and accounts of the road are so kept as at all times to shew accurately its fiscal affairs.
12. To have settlements weekly with all fiscal agents of said road for all money received by them, by himself or through some authorized person, and to discharge them for neglecting or refusing to do so.
13. To fix the compensation of all employees of said road, with the approval of the Governor, whose compensation is not fixed by law.
14. To draw his warrant on the Treasurer in favor of claimants according to the law.
15. To sue and cause all moneys belonging to or collected on account of the road to be paid promptly to the Treasurer.
16. To exercise a general supervision over all officers, agents and employees under his charge, and see that they strictly comply with all the requisitions of the law.
17. To make out and transmit to the Governor a quarterly statement exhibiting the receipts and expenditures of the road, and once every year a full statement of all the transactions of the road in detail, which report shall be published in one or more of the public gazettes at the seat of Government, and at the city of Atlanta.

From this it clearly appears that the Governor is not and cannot be the real manager of the road."

The Superintendent is clothed with that authority. He is appointed by the Governor it is true, but as soon as he enters upon the duties of his office, files his official bond, and takes his official oath, he is just as independent in the circle of his duties as any of the other state officials. The Governor may remove him for official misconduct, or other causes, but he cannot legally interfere or intermeddle with his management of the road.

The Superintendent consulted with me from time to time, but the entire charge of the road, and its management, both in general and in detail, was left in his hands, to whom it belonged, according to the provisions of the Code. The duties of my official position as Governor were onerous and absorbing; the more so in consequence of the transition state in which the affairs of the Commonwealth were, in consequence of the inauguration of the new constitution, the vital changes taking place in the institutions of the country, arising from reconstruction and the establishment of the new order of things growing out of the settlement of the issues decided by the war.

There was no time, even if so disposed for me, to interfere and intermeddle with the internal management of the State Road. Confidence was placed in the ability and integrity of the Superintendent. The road was left to him and he held responsible.

There must be some proof of complicity on my part in the alleged frauds and irregularities in order to make me *particeps criminis*. No such proof appears; nor is there any pretense that any such proof exists. On the contrary, just as soon as my attention was called to the fact, and as soon as there was any reason to suspect or believe that frauds or irregularities existed in connection with the State Road I ordered an investigation and set in motion the machinery for the detection and punishment of the guilty parties.

Had I remained in office the whole matter would have been sifted to the bottom, without the aid of any investigating committees employed at large expense, and conducting the investigation wholly for political capital and without regard to the interest of the State, the punishment of the guilty or the recovery of property or money illegally converted.

In proof of which the following facts are submitted:

This telegram was received by me while spending a few weeks at the sea-side in August, 1871.

Aug. 16, 1871.

Hon. R. B. BULLOCK, Governor of Georgia,
Pine Orchard, Via Branford, Connecticut:

One or more large claims passed Auditing Board are fraudulent. Please telegraph us full authority to investigate, recover the money and bring parties to justice. Conley absent.

D. H. WALKER,
GEORGE HILLYER.

These gentlemen were members of the Auditing Board, in conjunction with Hon. Benj. Conley, who Succeeded me as Governor.

To this I immediately sent the following reply, which was received in Atlanta the next day:

BRANFORD, Conn., Aug. 17, 1871.

To Hon. GEORGE HILLYER,
(for Board.)

Your despatch, sixteenth, received. If any authority from me is necessary, your Board are hereby vested with all the authority I have in the premises. I had previously obtained an intimation of serious misdoings, and instructed Mr. Blodgett to make thorough investigation, and if guilty parties could be ascertained, to secure immediate restitution of money and prosecution of the persons engaged in the fraud. I would therefore suggest that you confer with Mr. Blodgett on the subject.

RUFUS B. BULLOCK,

Governor.

[Copy of dispatch to Col. Robt. H. Atkinson, Secretary of the Executive Department.]

BRANFORD, Conn., Aug. 17, 1871.

To Col. ROBT. H. ATKINSON,
Executive Sec'y:

Honorable George Hillyer telegraphs me that large claims have passed his Board that are fraudulent.

You will please render him and the Board every assistance within the power of the Executive Department to recover the money and punish the guilty parties. Confer with him at once.

RUFUS B. BULLOCK,

Governor.

The only *frauds* which have been *proven* in connection with the road are of false bills audited by the Board of Commissioners, and in these cases the Board was imposed upon by the action of respectable merchants in Atlanta, verifying the bills as correct. These transactions have no political significance, and are in no manner connected with my "official conduct," except in and so far as my action resulted in their discovery and prosecution. But the

TENNESSEE CAR COMPANY

having failed to carry out one of their late contracts with the W. & A. R. R., for the delivery of cars, the committee pronounce it a "fraud," and seek to connect me with it because in the performance of my official duty the contract was approved. In order to make apparent the desperate strait to which the committee was reduced when they adopted this as their only hope of reflecting unfavorably upon my official conduct, the facts in the case will be given in detail.

By the testimony of John Rice it clearly appears that the Tennessee Car Company was not a "myth," as alleged by the committee. It had a real tangible and chartered being—and still more, it had actually had transactions with the State Road, had sold and delivered the Road cars, and faithfully performed its contracts with the State Road through a series of years, under its several superintendents. To this Mr. Rice swears positively and of his own knowledge. He was a stockholder in and the President of the *Tennessee Car Company*. The directors of the Company residents of Georgia, were John Rice, Campbell Walden, H. I. Kimball and E. N. Kimball. At the same time that Mr. Rice was elected President, E. N. Kimball was duly elected at a stockholders' meeting, *General Manager*.

From the testimony of Mr. Rice it also appears that the operations of the Company were quite extensive, not only in Georgia but in Tennessee. By the Code, (see Sec. 975-4.) it is provided that all contracts for the purchase of machinery, cars etc., exceeding three thousand dollars, are subject

to the approval of the Governor in writing. The same section of the Code gives the Superintendent full power and authority to contract for and purchase machinery, cars, materials, etc. He is also clothed with full discretion, as to the necessity of such purchase, and the parties from whom to make purchase and with whom to contract. If, however, the amount exceeds three thousand dollars, the contract is subject to the approval of the Governor.

The Western and Atlantic Railroad, whose equipment and rolling stock had been badly damaged and crippled during the war—was in need of a number of new cars. Contracts were made with various parties; among others the Ohio Falls Car Company, and this same Tennessee Car Company, which were promptly and faithfully filled.

Accordingly, when the following contract was brought to me by the Superintendent of the W. & A. Railroad, for my approval, it was given without hesitation.

The Contract was as follows:

GEORGIA, FALTON COUNTY.

The Tennessee Car Company, by E. N. Kimball, Manager, and the Western and Atlantic Railroad, by Foster Blodgett, Superintendent, agree as follows:

The "Tennessee Car Company" are to furnish and deliver to the Western and Atlantic Railroad, fifty box cars of usual length height and width, with double roof of clear pure grooved, sheeting and flooring of matched pine, and made after latest patterns, thoroughly banded, trussed and ironed, for the price of \$850 per car. The "Tennessee Car Company" are to commence delivering the cars at Chattanooga or Dalton within sixty days, and deliver all within ninety days.

THE TENNESSEE CAR COMPANY,
By E. N. KIMBALL, Manager.

THE WESTERN & ATLANTIC RAILROAD,
By FOSTER BLODGETT, Supt.

Atlanta, Geo., April 5th, 1870.

Approved. RUFUS B. BULLOCK,
Governor, and *Ex-officio*
President W. & A. R. R.

This is all the connection I ever had with this matter. It was but the performance of a duty on my part, prescribed by the laws of the State. The Committee, however seem to entertain the absurd idea that when the Governor thus officially approves of a contract, he guarantees its performance.

It is also alleged that the whole transaction was a fraud; that the Company had ceased to exist; that the cars were paid for by the Superintendent, but never delivered by the Company. All this remains to be made the subject of proof before a proper tribunal. John Rice, however, testifies that "there was no publication of the dissolution of the Company ever made." Nor does it appear that it was ever dissolved, except so far as that it suspended its business operations. Its charter is still in force, for all that appears in the testimony, and there is nothing to prevent its resuming business under the same to-morrow. The parties composing the company are most of them perfectly solvent and responsible; and it appears to me that the public interests demand that some steps be taken to hold this Company to its contract, which was and is a perfectly legal one, in case it has not been carried out. The Tennessee Car Company should be made either to return the

money advanced them on the contract, and respond in damages, or forced to a specific performance.

Certainly the attempt to find official misconduct on my part because a company failed to comply with or carry out its contract with the State, can result in no benefit, either to the public, or to the parties who seek to do me the injustice.

The tax payers will not approve of a neglect to collect the amount alleged to be due from the Tennessee Car Company, a responsible corporation, by any amount of slander the Committee may pile up against me.

There is more to be said, however, in regard to the Western and Atlantic Railroad than this Committee will care to hear. So far, the subject of its detail management has been noticed, and the flimsy pretenses upon which the committee sought to assail me in connection with that management exposed. But an administration and a party is to be judged by the result of its acts and its measures in the aggregate. The Western and Atlantic Railroad, judged in this manner, forms no exception to the universal superiority of republican administration when compared with that of its democratic predecessors in Georgia.

The Western and Atlantic Railroad, since its completion and operation by the State, some twenty years ago, has been known of all men as the great prize of political patronage, for which parties contended, and with which the successful party rewarded its friends.

The better men of both parties in times *ante-bellum* have sought to remove it beyond the reach of politics, but neither party had the moral courage or patriotism to consummate so desirable a result, and it was not until after my inauguration and the organization of a Republican Legislature that this great measure for the protection and benefit of the tax-payers was perfected. This matter has already been spoken of in discussing the subject of the lease, and it is not necessary to repeat it here, but the allegations of petty thefts against minor officials of the Road are insufficient to hide from the people the purity, patriotism and courage of a republican administration in voluntarily surrendering the patronage of this great public work, placing it far beyond the reach of politics, and providing for the regular and frequent payment of large sums into the State Treasury. It is a striking fact that but for these very payments the committees who now seek to disparage us would have been without money to pay their per diem.

These are the facts, and when known, the people will approve them, and disapprove the action of the committee.

BRUNSWICK AND ALBANY ROAD.

The following is a full statement of all the facts in this case, which will, while clearly showing that there was no fraud, fully justify my action in the matter.

The following is a copy of a letter addressed to me by the President of that Road:

BRUNSWICK AND ALBANY RAILROAD COMPANY.

Atlanta, Ga., June 5, 1871.

President's Office.

HIS EXCELLENCY, GOV. BULLOCK:

Governor, I have just returned from New York where I have an arrangement for the successful negotiation of the bonds of this Company through a European House. The conclusion of the arrangement, however, depends upon the ability of this Company to deliver the whole amount of bonds authorized to be issued by this Company. At the time our first mortgage bonds were first introduced in Europe, seven and a half millions were subscribed, but the company were unable to deliver but one million, which necessitates an entirely new arrangement at this time. You are no doubt aware, that in making sales of bonds abroad, after the same have once been offered by subscription, that it is necessary to place them in the hands of a great many agents who must actually have the bonds in hand for delivery, therefore, time is required by the principal house taking the negotiation, to place these securities at various points in Europe for sale, and they will not take the matter up without absolutely controlling the whole series. I have therefore, in the interest of the State, as well as this Company, decided to lay the whole matter before you and ask your co-operation.

The Road is being pushed very rapidly in construction and will be open to Albany early in September, and to Cuthbert and Eufala in season for the cotton business of this year surely, on or before the first of January. The entire grading is under contract and very nearly completed to Albany, and more than half done between Albany and Cuthbert, and all being done by good and responsible contractors who will push it rapidly. The iron for the entire road has been purchased and enough already delivered in Brunswick to lay the track west of Cuthbert; a large amount of rolling stock is now being manufactured and by the first of November the road will be liberally stocked.

I doubt if any enterprise ever had more difficulties to overcome than this. From the very moment the work was commenced rival lines and prejudiced persons have been incessant in their efforts to defeat its success. They have done this in the press, through the courts, by anonymous communications addressed to bankers and capitalists in this country and in Europe, and by every other means in their power endeavored to ruin, not only the value of the securities of the company but of the State, thinking thereby to break down the enterprise, hence the importance of the present negotiations. If this opportunity to make sale of our bonds can be embraced and taken advantage of, the State will be secured against any possibility of our company failing to complete the road or to meet its interest payments, with an unfinished road on our and the State's hands. If, on the contrary, you do not feel authorized to comply with our requests and issue the entire amount of bonds authorized to be issued, this company will be compelled to use its securities as collateral in making temporary loans, and thus lock up a large amount in margins, and at high rates of interest. If forced to this policy the company will do all in its power to carry its work through, but I feel it my duty to inform you that it might result in so embarrassing the company as to force it to fail to meet the interest on its bonds. The amount actually paid in and to be expended by the stockholders, is represented by two million, five hundred and forty-eight thousand dollars common stock, and two million four hundred and twenty thousand dollars preferred stock, making a total of four million, nine hundred and sixty-eight thousand dollars, with the privilege of increasing these amounts as additional constructions may require.

I therefore feel confident that in making this request that it is a proposition within the "Act to protect the credit of the State in reference to its guarantees of the bonds of railroad companies, approved Sept. 30, 1870."

If you accede to this request, and the sale of the bonds abroad is consummated, of course the Treasurer of this company, Mr. Henry Clews, of New York, will hold the entire proceeds for the security of the State and the road, to be applied strictly to the construction and equipment of the road, and this company will protect the State against the payment of interest.

Please give this matter early attention, as it is important I should have your decision with as little delay as possible. I am, Governor,

Most respectfully yours,

H. I. KIMBALL,

President B. & A. R. R. Co.

Upon the reception of this letter the proposal it contained was taken into serious consideration—the protection of the interest of the State being the sole end in view. The question of what was my duty in this emergency was decided in this wise: It was evident that if the assistance requested was refused the State would be compelled to take possession of a road having no western terminus except some unknown point in the pine forest, a road that could neither be operated to the advantage of the State, nor be sold for sufficient to secure it against loss. The road being the only security which the State had it was decided to give the additional help required to keep the corporation from failure, at least long enough to ensure the completion of the road to such a point as would give it a western terminal connection with other roads, and thereby a value sufficient to secure the State against loss in the event that the road had to be finally taken possession of by the State. By an act to protect the credit of the State in reference to its guarantee of the bonds of railroad companies, approved Sept. 30, 1870, the Governor was authorized "to provide in such manner as he may deem most for the interest of the State for the payment of and to pay said interest." The same act further says, "And he may, at his discretion, sell the road so in default and its equipments and other property belonging to said company, or any portion thereof, at public sale in such manner and at such time as in his judgment may best subserve the interest of the State."

Here the question arose whether I should exercise my discretion or "judgment" to "best subserve the interests of the State" by keeping the road from failing when partially completed, or let it fail then, and exercise my "judgment" to make the best of it afterwards. In my judgment the interests of the State clearly demanded that the road should be sustained at least until the western terminal connection was reached, so that if finally the State was compelled to take possession of the road for its protection it would have a road that would not only benefit the people of the State at large but at the same time afford security to the State for its aid. It was therefore decided to endorse for and make exchange of bonds with the company for the road as far as Cuthbert, at which point, by connection with the road already in operation, the line from Brunswick to Eufala was practically as direct as the proposed line of the Brunswick & Albany. The bonds so endorsed and exchanged however were not to be the property of the Brunswick & Albany Company, except so far as the road was completed, but were to be held in trust for the construction of the road. Under this arrangement the Brunswick & Albany road was completed and opened from Brunswick to Albany, and the iron supplied, and grading nearly, if not quite, completed to Cuthbert, about

fifty-two miles further, when the company failed and its President disappeared. My proclamation of October 23, 1871, was then issued, taking possession of the road for the State and placing Col. Scriven, President of the Atlantic & Gulf road, in charge.

If there had been in my possession any information that would lead me to suppose that the officers of the B. & A. R. R. company were either irresponsible or unreliable, the responsibility would not have been taken of aiding the company in the manner stated, but on the contrary, there was every reason to believe that the officers of the company were in every respect worthy of complete confidence and trust, and that the road could be completed under their control. The road was completed in September, 1871, and is now in operation between Brunswick and Albany. I feel satisfied that my action in the premises was justified by the circumstances at the time in the exercise of that official discretion which the laws and the constitution repose in the Executive, and that my action was for the best interests of the State. If the policy indicated in my proclamation of the 23d of October, 1871, should be sustained, the State would be in a vastly better position to protect herself from loss than she could be if the road had been allowed to fail and stop in June, 1871, before any western connection had been reached. Every bond issued to this company was regularly recorded as required by law in the office of the Secretary of State, and in the office of the Comptroller General, and by him reported to the Treasurer.

To show that in this, my conduct was such as was best calculated to protect the interests of the State and to advance its prosperity, the fact is adduced that the bondholders and the heavy capitalists interested, including the Board of Directors of the Brunswick & Albany road, have been all the time ready and anxious to supply the requisite amount of money to pay off the debts and rapidly extend the construction of the road and put it in successful operation between Albany and Cuthbert, and on to the Alabama line. This arrangement for the early extension of the road to Eufala, Ala., was nearly perfected, but the cry of "*repudiation*" was raised and the enterprise was thereby brought to a sudden standstill. Had it not been for this shameful and ruinous repudiation policy adopted by these model Democratic reformers, this and other works of internal improvement would have been pushed forward and still larger amounts of foreign capital brought into the State. But when the State, after seizing the road by virtue of the *endorsement on the bonds*, and holding it, repudiates the bonds and the endorsement, *yet still holds the road* with all the equipments and rolling stock, and operates it, the transaction savors too much of *wholesale highway robbery* to inspire confidence in financial circles, or give any immediate hope or prospect of the extension of this or any other work of internal improvement. There certainly can be no reason, either at law or in equity, why the bonds of this road should be repudiated. The

bondholders have desired and been denied the privilege of completing the road to the entire satisfaction of the present State authorities. If this was allowed the State could suffer no loss, and the benefit conferred by the opening of this line to the people at large and the increase of the taxable value of property be very great.

The committee do not even charge that there was any fraud or corruption in my official conduct in indorsing and issuing these bonds, and there is neither testimony nor evidence that even indicates any improper conduct on my part. It cannot be said that the Brunswick & Albany bonds have been repudiated because no road was built, for the road is there and is now running in the hands of a State agent between Brunswick and Albany.

It cannot be said that the policy of State aid to railroads is not approved by these people because this Legislature, which has voted repudiation, has passed a bill giving \$15,000 per mile to the Atlantic & Gulf road for over one hundred miles of extension, *to be built in Alabama!*

The real object, purpose, and intent of this and other acts of repudiation by the Toombs Legislature is to cast odium and reproach upon a Republican Administration. Having no tenable ground upon which their infamous proceedings could be justified, they have accomplished their object by declaring the legislative acts of their predecessors "unconstitutional and void," and shut the doors of our own courts against persons who may feel aggrieved and doubt the legitimacy of their proceedings. The result will be to bring distress upon the State and upon their own heads the odium and reproach which they hoped to put upon us. But I will refer to this matter in noticing the report of the Bond Committee.

CARTERSVILLE & VAN WERT RAILROAD.

By an act of the General Assembly the charter of this company was amended while the road was being constructed so that the title was changed to "The Cherokee Railroad Company." Bonds of the road under the old title had been endorsed from time to time as the road progressed under the authority of the statutes granting State aid to the company. When the act was amended the company reorganized under the new title. The following is a copy of a letter on the files of the Executive Department:

PRESIDENT'S OFFICE, CHEROKEE R. R. COMPANY, }
ATLANTA, Georgia., July 7, 1871. }

To His Excellency Rufus B. Bullock, Governor of Georgia:

DEAR SIR: I have the honor to inform you that the Cartersville & Van Wert Railroad, by action of its stockholders, has duly accepted the charter as amended by an act of the General Assembly of Georgia, approved A. D. 1870, which said act changes the name of the company to the Cherokee Railroad Company. The bonds of the Cherokee Railroad company have been prepared and duly executed by the officers of this company, ready for indorsement by the State. The bonds issued under the title of the Cartersville & Van Wert Railroad Company will be withdrawn and cancelled by this company. You will please endorse the bonds of the Cherokee Railroad Company, which I herewith hand you, at as early a day as possible, and oblige,

Yours most respectfully,

H. I. KIMBALL,

President Cherokee Railroad Company, late Cartersville & Van Wert Railroad Company.

EXECUTIVE DEPARTMENT,
ATLANTA, Ga., Feb. 2, 1871. }

I, P. W. Alexander, Secretary of the Executive Department, do hereby certify that the foregoing and within is a true and correct copy of the original on file in this Department.

Given under my hand and seal of the Executive Department the day and year above written.

{ L.S. } [Signed] P. W. ALEXANDER,
Secretary Executive Dept.

Under this request of the company a total amount of three hundred thousand dollars were endorsed, sealed, and recorded. The road was completed and is in operation from Cartersville to Van Wert, a distance entirely sufficient to cover this endorsement at the rate of twelve thousand five hundred dollars per mile, as fixed in the statute. It is now claimed, however, that the Treasurer of the Cartersville & Van Wert road holds the bonds issued under that title as security against advances made by or through him, and that those bonds were not in fact "withdrawn and cancelled" by his company when the company issued other bonds under their new title of Cherokee Railroad.

My action in the matter was based upon the official assurance of the company as given above, and in that action on my part there is neither "fraud" or "official misconduct." The road is in operation and has wrought the beneficial effects intended when the Legislature granted the aid. Trains run daily between Cartersville and Van Wert, and the valuable products of the slate quarries at that point and Rockmart find their way cheaply to Atlanta and a market.

BAINBRIDGE, CUTHBERT & COLUMBUS RAILROAD BONDS.

The facts in relation to these bonds were well known to the Bond Committee, having been communicated to them by my attorney. The committee to investigate my official conduct were also informed in New York of the facts in relation to these bonds. A more barefaced and wilful, as well as malicious, perversion of facts than the statement of the committee in their report it is hard to imagine.

The twenty-eight lines of their report on this subject contain nearly as many misstatements. These bonds are in fact not bonds—they neither have the great seal of the State or the attestation of the Secretary of State attached to them. They are imperfect and of no value. The committee admit this defect, but say: "For this defect in their execution His Excellency is entitled to no credit."

Now, the only reason why these bonds were not sealed and attested is because I gave an executive order which rendered it impossible. So that if there is any "credit" attached the credit wholly and exclusively is mine.

The following is a copy of an official letter to Hon. D. G. Cotting, Secretary of State:

EXECUTIVE DEPARTMENT, STATE OF GEORGIA,
NEW YORK, Aug. 23, 1871. }

Hon. D. G. Cotting, Secretary of State:

DEAR SIR: As I intend to be west for a few weeks and the contractors of the Bainbridge, Cuthbert & Columbus road assure me that they will have enough of their road completed before my return to entitle them to

endorsements, I have signed bonds of that company from 1 to 240. These bonds will not be completed until you have certified my signature with the State seal. *This you will please NOT do until the engineer, Colonel Taylor, makes a written report that THE NUMBER OF MILES NAMED IN THE BILL HAVE BEEN COMPLETED AND ARE IN OPERATION.*

Yours truly,

RUFUS B. BULLOCK, Governor.

The committee are guilty of another gross falsehood when, in their report, they say H. I. Kimball & Co. were enabled "to palm" these bonds upon Messrs. "Kidd, Pierce & Co. as ample security for the money loaned." The fact is that Kidd, Pierce & Co. took these bonds with a full knowledge of all the facts and agreed to hold them until enough of this road was finished to enable the bonds to be sealed and attested by the Secretary of State, and thereby become *endorsed* by the State. Kidd, Pierce & Co., never considered the bonds as valid and never asked, or intend to ask, the State to pay them. Yet with a folly most unparalleled and a criminal and reckless disregard of the credit of the State, the General Assembly has gone to the absurd length of passing a bill and going through the form of repudiating these very bonds, thus staining the honor of the State by another act of repudiation, when in fact there was nothing to repudiate—no money due from the State or claimed to be due by anybody. "Comment upon the facts thus succinctly stated would be superfluous."

THE BONDS IN GENERAL.

There was a committee of three Democrats, recommended by Gen. Toombs, specially appointed "to investigate the bonds of the State of Georgia issued or negotiated since July 4, 1868." This committee consisted of one on the part of the Senate, and two on the part of the House. The perfect uselessness of this committee was pointed out by His Excellency, Governor Conley in his veto of the act providing for their appointment. The act was, however, passed over his veto and the committee appointed. The committee sat over sixty days during the recess of the Legislature, and examined a large number of witnesses. They also went on to the city of New York and took testimony there. The result fully justifies the ground taken by His Excellency, the Governor, in his veto message. The committee was a useless one. The large expense consequent upon its appointment was money worse than thrown away. That this is so is proved most conclusively from the fact that they failed in obtaining any farther information, or to elicit one single fact which could not have been ascertained, in a few hours, by an examination of the public records of the Executive and State Departments in Atlanta, and which was not communicated to the Legislature by His Excellency, Governor Conley in his message of the 11th of January, 1872, heretofore quoted at length, and in which the Governor says: "In this connection I have the honor to transmit herewith to your honorable body a full and complete statement of the amount and character of the bonds issued during the administration of my predecessor. This statement is made from the records of this department

and from the best sources of information at its command, and *may be relied upon as being entirely correct.*

The protracted and expensive labors of the committee have only served to prove that the Governor's report and my official record *was* "entirely correct." The statement of His Excellency, Governor Conley, has not been contradicted in one single particular. The act by which the Bond Committee was appointed asserts that the extent of the bonds issued and negotiated was unknown to the General Assembly—and that, too, in the very face of the fact that His Excellency, Governor Conley, from official records, had previously, in his message, made a "full and complete statement of the amount and character of the bonds" issued during my administration. But to have taken this official statement, or to have referred to the records of the State Departments on this subject, would not have answered the partizan purposes of the opposition.

The cry had been started that "astounding frauds" existed, and that "untold millions" of "fraudulent bonds" were in circulation. A committee had therefore to be appointed to give color to this charge and to find, or if they could not find, to manufacture some evidence to support it. The committee labored long and earnestly to find some such evidence, but failed, and so were obliged to content themselves with making a partizan report for political effect, in which they indulge in the wildest and most gratuitous assertions, which are wholly without proof to support them—(see the testimony itself, as published.) With a solemn and earnest zeal, which is absolutely ludicrous, they recommended the repudiation of the "currency bonds" long before that time *cancelled* by the issue of the gold bonds—also the Banbridge, Cuthbert & Columbus Bonds, which were *never executed or sealed*, and which neither the parties holding the incomplete and imperfect blanks, or any one else, ever claimed as being any obligation on the State. The *cancelled* bonds of the Carterwell & VanVert Rail Road are in like manner manner disposed of. This action would be only occasion for ridicule, did not the solemnity of the farce tend to bring disgrace upon the State and ruin its credit.

GENERAL EXTRAVAGANCE

and the reckless expenditure of the public funds has been the staple argument of the "outs" against the "ins", of whatever party, since the administration of General Washington, in this country—and "so far back that the memory of man runneth not to the contrary" in the mother country. It was therefore to be expected that the committee would raise that cry.

Let me compare my administration in this respect with that of my predecessor—Gov. Jenkins—whose patriotism and zeal in refusing to recognize the validity of the reconstruction acts, and when he fled the State, carrying with him or concealing the public treasure, the archives and executive seal, is endorsed by a joint resolution of the present General Assembly.

The expense of his State Government, as shown by the report of the Comptroller General, are as follows:

| | |
|---|----------------|
| Oct. 16, 1866, to Oct. 16, 1867, | \$2,689,863.85 |
| Oct. 16, 1867, to Aug. 10, 1868, | 271,145.50 |
| making a total expenditure for the twenty-two months of Governor Jenkins' administration of TWO MILLIONS, NINE HUNDRED AND SIXTY THOUSAND, FIVE HUNDRED AND NINE DOLLARS AND FORTY-ONE CENTS. | |

| | |
|--|--------------|
| The expenditures of my administration from | |
| Aug. 11, 1868, to Jan. 1, 1869, | \$430,957.77 |
| From Jan. 1, 1869 to Jan. 1, 1870, | 1,867,825.98 |
| From Jan. 1, 1870 to Jan. 1, 1871, | 1,470,021.02 |

Making a total of \$3,758,804.77 up to January 1st, 1871, a period of twenty-nine months. Thus showing, that with double the voting population, and double the number of citizens entitled to the care and attention of the State, its Courts, etc., and for a period of time of great excitement and disorder, the expenses of my administration were, on an average, nearly FIVE THOUSAND DOLLARS PER MONTH LESS than those of my predecessor, and this, too, notwithstanding the heavy expenses necessarily incurred by the numerous, and, in fact, almost continuous meetings of the General Assembly, made necessary by the resolution and proceedings of the democracy in expelling the colored members from the Legislature, and by the consequent delay of Congress in acting on the question of admitting the State to the Union. The expenses of the present administration may be best determined by referring to the cost of the late repudiating Legislature. It was in session ninety-six days. The pay and mileage of members was \$232,588, or \$2,442 a day *exclusive of clerk hire*, an average of more than ten dollars a day for each member.

To this we must add the expenses of the various committees, which was in the aggregate \$41,616.92, making a sum total of \$274,204.92, or \$2,856.30 a day, *exclusive of clerk hire*.

These figures show that the expenses of the late "virtuous, honest and economical Democratic Legislature" was ONE THOUSAND TWO HUNDRED AND THIRTY-FIVE DOLLARS AND NINETY-SEVEN CENTS MORE PER DIEM than that of the PRECEDING REPUBLICAN LEGISLATURE. I have no means at present of arriving at the other expenses of the present State Administration—but enough has been shown to establish the fact that it is characterized by a reckless extravagance unparalleled in the history of the State.

RECONSTRUCTION.

The *true reason* why all the acts of the late republican administration are held to be null and void, and therefore rightfully to be denounced and repudiated as such, is to be found in the fact that the Democratic party of the South hold that the reconstruction acts are revolutionary null and void. As a necessary conclusion from such a premise, the State Governments organized under the reconstruction acts were illegal. It is held by Toombs and his followers that there has been no legal State Government in Georgia since Jenkins went out and up to the time that Smith went in. The Bond Committee, in arguing the justice of

repudiation, speaks of the Republican administration as a "shameless swindle, shamelessly maintained by despotic military power." The Republican Legislature is termed "a motley, irresponsible and unscrupulous hoard of adventurers and fugitive criminals," clothed with the title of our General Assembly." See page 190. On page 191 the committee terms it a "bastard Legislature."

This assumption that the late Republican Legislature was an illegal assembly, and that I was not Governor of the State, either *de jure* or *de facto*, is the real ground on which they base repudiation and denounce all the acts of my administration as fraudulent and void. These views are explicitly set forth in a late letter of Ex. Gov. Jenkins to the present incumbent, returning therewith the archives and seal of the Executive Department, which he acknowledges he abstracted from the capitol. He says in that letter :

"The books and papers I herewith transmit to your Excellency that they may resume their place among the archives of the State. With them I also return to you the seal of the Executive Department. I derive high satisfaction from the reflection that it has never been desecrated by the grasp of a *military usurper's* hand ; never been prostituted to authenticate official misdeeds of an upstart Pretender. Unpolluted as it came to me, I gladly place it in the hands of a worthy son of Georgia—her freely chosen Executive—MY FIRST LEGITIMATE SUCCESSOR."

This language is plain enough and needs no comment from me to make it more so. If Mr. Jenkins' views are correct, I never was the lawful Governor of the State I was but a "Military Usurper," an "Upstart Pretender," and it follows, of course, that all my acts, including the issue of bonds and the negotiation of loans, were fraudulent and void, and therefore ought to be repudiated. The bond committee do not disguise the fact that this is the main ground on which their recommendation is based—or else the high flown phrases on pages 190 and 191 mean nothing.

The views held by Gov. Jenkins were also held by the present Democratic General Assembly, as will be seen by the following resolutions, adopted by both houses, thanking Ex. Gov. Jenkins for purloining the Warrant Book, Archives and Seal out of the capitol and absconding from the State.

(Extract from House proceedings, Aug. 15, 1872.)

Mr. Cumming introduced the following resolutions and moved their adoption :

Whereas, The Hon. C. J. Jenkins, when expelled by usurpers from the office of Governor, had the firmness and the courage to save the public treasure from the plunderers, and applied it to the obligations of the State, and also removed the archives from the State Treasury, and saved from desecration the seal of the Executive Department ; and,

Whereas, His efforts to save the people of Georgia relaxed not with his hold upon the Executive office, but in the midst of discouragement were continued before the Supreme Court of the States, so long as there was any hope of success ; and,

Whereas, Preserving the archives and the seal until in better times he might restore them to his Excellency, the Governor ; and,

Whereas, Gratitude to a great and good man, deference to the feelings of the people of Georgia, and the encouragement of patriotism and virtue in the generations

to come, alike render it good that we should make an act in imperishable form a recognition of his fidelity to his trust ; therefore be it

Resolved by the General Assembly of the State of Georgia, That His Excellency, the Governor, be authorized and instructed to have prepared and, in the name of the people of Georgia, to present to the Hon. Charles J. Jenkins, a seal to be the *fac simile* of the one presented and restored by him, except that in addition to the other devices it shall bear this inscription : "Presented to Charles J. Jenkins by the State of Georgia," and this legend : "*In Ardua Fidelis.*"

Mr. Cumming moved the adoption of the resolutions in a few beautiful remarks.

Mr. McMillan seconded the resolution is some eloquent remarks, and hoped the resolutions would be adopted by a rising vote.

The resolutions were then adopted by a rising and almost unanimous vote. Hillyer, of Camden, Potney, of Dougherty, and Joiner, colored, voting in the negative.

The resolution was adopted by the Senate, Aug. 19, 1872.

Can any one be so confiding as to believe these men honest in their professions to accept the 14th and 15th amendments, or in their support of Mr. Greeley as a *Republican* ?

This Democratic Legislature has solemnly done two notable things :

FIRST—They have by a joint resolution endorsed and re-affirmed the views of the Seymour & Blair platform of 1868, as repeated by Ex. Governor Jenkins in 1871, that THE RECONSTRUCTION ACTS ARE NULL AND VOID, AND ALL LEGISLATION HAD PURSUANT TO THEM FRAUDULENT AND ILLEGITIMATE.

SECOND.—THEY HAVE REPUDIATED THE PUBLIC DEBT.

Give these same persons a like control of the Federal Government, either under Horace Greeley or Jefferson Davis—it matters not which—and they will proceed to enact the same measures.

REPUDIATION.

This foul wrong has been done upon the recommendation of the three Democrats composing what is commonly known as the "Bond Committee." While this committee do not and cannot report fraudulent official misconduct on my part in connection with bonds issued, they do seek to throw odium upon me by pronouncing their *opinion* upon the *legality* of my official acts, but they pretend to justify their recommendation of repudiation by an additional *opinion* that the laws authorizing the issue and endorsement of certain bonds were unconstitutional. It is a remarkable fact, that this idea of unconstitutionality only occurs to the committee when the party or parties to be affected by that opinion happens to be a Republican. The committee report favorably upon the endorsement for the Macon and Brunswick Railroad, the South Georgia and Florida Railroad, and the Alabama and Chattahoochee Railroad ; and they report unfavorably upon the Brunswick and Albany Railroad, and the Cartersville and Van Wert Railroad. All of these roads were endorsed for in precisely the same manner by me, viz. : under the authority of law and the official statement of the president of each company as to the condition of his road, so that if my official action was valid in one case, it must have been in the other. This matter of railroad en-

dorsement is spoken of specifically in another portion of this pamphlet and need not be repeated here.

The Brunswick and Albany Road is in operation between Brunswick and Albany, and the Cartersville and Van Wert (or Cherokee) Railroad is in operation between Cartersville and Van Wert, but the committee recommend the repudiation of *all* the bonds endorsed for and exchanged with the former, and *all* the bonds endorsed for the latter. The committee do not deny that the endorsements and exchange were provided for by law, but give their *opinion* to the effect that the manner in which *I* construed the law was not the way in which *they* would have construed it. As it was *my* duty to act, under those laws, according to my judgment, for the best interest of the State, and as there is no pretense of evidence that my judgment was improperly or corruptly influenced, this committee found it necessary to seek elsewhere for their justification. The committee admit and report that all of the "currency bonds" had been duly cancelled, as reported by me to Senator Scott, Chairman Congressional "Ku Klux Committee," July 5th, 1871, and to His Excellency Governor Conley at the time of my resignation. The committee also admit and report that the quarterly gold bonds were issued in accordance with the law and in amount as reported by me, but they misquote the language of the act in order to give a seeming color of right to their recommendation for repudiating a portion of those bonds. The act says: "For such other purposes as the General Assembly may direct." The committee say (page 162): "For such other special or general purposes as the General Assembly might designate." Under the language of this statute the proceeds of the bonds were applicable to the payment of bonds and coupons due and falling due. Under an act approved October 5th, 1870, to amend an act approved August 27th, 1870, (see pamphlet laws 1870, pages 4 and 5, No. 2, O 16—No. 4, O 42,) the "General Assembly direct" (sec. 1 and 2) the proceeds also "to pay off the officers of the civil establishment, and other expenses of the State authorized by this General Assembly." Among the "other expenses of the State" thus authorized to be paid were the liquidated accounts and bills audited by the commissioners against the State Railroad, after its lease. The committee, however, report that Mr. Clews "misappropriated over \$600,000 of the funds of the State" by paying drafts, etc., for this purpose, and recommend the repudiation of \$102,000 of bonds now supposed to be in the possession of his house as security for a balance of account claimed to be due to them of \$47,145.50. The committee also recommend the repudiation of the £18,000 sterling and interest, of ante-war bonds paid by Clews, Habicht & Co., London. I have been said that the recommendations for repudiation made by the committee are limited to such portion of the State's indebtedness as was supposed to be in the hands of, or to have inured to the benefit of, Northern Republicans. This is well sustained by the "facts" and by the "conclusions" of the committee. All of the State quarterly gold bonds, except those supposed

to be in the hands of Messrs. Clews & Co., are recognized as valid. All the railroad endorsed bonds and bonds issued in exchange, except those of roads whose officials were Republicans, are recognized as valid!

The committee and the General Assembly enacted the solemn farce of repudiating the "currency bonds" and the bonds of the Bainbridge, Cuthbert and Columbus Railroad, although in neither case was there any liability, or pretense of liability, to be repudiated. The "currency bonds" had been canceled, and the B. C. & C. R. R. bonds were never endorsed by the State.

The repudiation of the endorsement made for, and the exchange of bonds made with, the Brunswick and Albany Railroad being much the largest in amount and importance, the committee devote the greater portion of their space in justifying their action in that case. After floundering through twelve pages of printed report to present their "views and conclusions" that the State's endorsement of the Brunswick and Albany bonds should be repudiated, the committee plumply blurt out their real pretext for repudiation, as follows (page 186): "GOLD BONDS ISSUED UNDER ACT OF OCTOBER 17TH, 1870.—The same principles which apply to the endorsed bonds of the Brunswick and Albany Railroad, in *our opinion*, apply with equal, and if possible greater, force to the gold bonds issued to said road. In *our opinion* the act of October 17th, 1870, amending the Act of March 18th, 1869, under which these bonds were issued, is UNCONSTITUTIONAL, NULL AND VOID. The powers of the General Assembly are well defined in the constitution. We have examined that instrument very closely, and have been unable to find in it any clause giving to the General Assembly authority to make this trade." (The italics are mine.) After this "sun-burst" of wisdom the committee spatter over a few more pages and seem to work themselves up with sufficient courage to announce the *opinion* that not only was the law unconstitutional but that the legislative body that enacted the law—their republican predecessor—was not "*our* General Assembly," and therefore not authorized to enact any law by which the democracy would be bound. The committee refer to the results of the reconstruction Acts of Congress as "the shameless swindle, shamelessly maintained by despotic military power." They speak of the first legislature under the present constitution as "this bastard legislature" in which "we (the democracy) were powerless, unrepresented, misrepresented, gagged," and add [page 191] "Thus bound hand and foot we were starved by the money changers, whilst these gamblers in the stock market, who call themselves innocent purchasers, (men who made loans to the State, furnished money to build railroads in the State and took the States and endorsement in exchange) stood by and kept the raiment of them that slew us."

"He who in evil hour ordains an ungodly chalice for his fellow, must not murmur if to

"his own lips the bitter cup be pressed by the
"avenging fate of a better day."

"Now, when like the sword that
 "flamed at Eden's gate, it turns its *double edge*,
"let it cut."

This verbiage can easily be recognized as the *brilliant* composition of General Toombs. In adopting it the committee throw aside entirely the allegation of official misconduct on my part and the unconstitutionality of the law. These flimsy pretexts urged in the earlier portion of their report to justify repudiation are now thrown away. They defiantly admit and proclaim their object to be "avenging fate" upon those who support the reconstruction policy of Congress. Upon those who, relying on the validity of the Reconstruction Acts and with a desire to aid the people of our State in building up her waste places, and restoring her prosperity by constructing railroads through her territory, have come forward with their money and constructed those roads, the "*double edge*" is turned with the piratical cry "*let it cut!*"

This speaks the true spirit and purpose of the usurping minority who now control our State. Their chief concern is to visit "*avenging fate*" upon republicans wherever within their reach, and the legislature were not slow to "*let it cut.*" Every recommendation of repudiation made by the committee was adopted by the General Assembly and approved by *their* acting Governor.

Briefly recapitulated the opinion of the "Bond Committee" and the decision of the legislature seems to have been,

1st. That where the parties who loaned money to the State, or managed the Railroads and advanced the money to build them, were Republicans I did not construe the laws and execute them in the manner and at the times the committee *think* I should have done.

2nd. That in these instances the laws which I did execute were unconstitutional.

3d. That the legislature which enacted the laws was a "*bastard.*"

4th. That these republicans by sustaining the reconstruction Acts of Congress had ordained "*an ungodly chalice for his fellow*" and "*must not murmur if to his own lips the bitter cup be pressed by the avenging fate of a better day.*" In other words that while democrats are in power republicans must not expect the honest payment of just debts.

By Article I Section xxxi of the constitution the legislative department is prohibited the exercise of "*any power properly attached*" to the Judiciary department: and section xxxii restricts to the Judiciary department the power to "*so declare them*" when Legislative Acts are "*void*" because in violation of the constitution of the State or the United States. But this plain provision of the constitution has no binding force upon a democratic body when an opportunity is given to decide upon questions affecting the pecuniary or personal interest of republicans, or upon the validity of measures

allied to or growing out of the Reconstruction Acts of Congress.

So fearful were these repudiators of being rebuked by the Judiciary that they refused to allow persons who were robbed by their action to apply to the State Courts for redress, notwithstanding a majority of the Supreme Court Judges are now of their own selection and persuasion.

In these infamous proceedings this usurping minority do not represent either the disposition or the purpose of a majority of the people, and unless this minority is sustained by the national administration which they are now seeking through hypocrisy to elect, the administration of the State will be restored to the legitimate representatives of that majority.

Ex-Chief Justice Lochrane of Counsel for bondholders in his able argument on the "*legal liabilities of the State* [page 28] states the whole case on its merits in the following concise and convincing manner:

"The legislature which passed these Acts was recognized by the nation and by the courts of the country, and this legislature holds its place by Acts passed under virtue of its authority. To question it is to question the validity of the United States, and to bring in controversy the whole system of reconstruction.

We have demonstrated that the State Legislature passed the law; that the Governor executed it; that the Roads were built; that the endorsement was valid; that vested rights have grown up under it; that the Legislature cannot pass upon the constitutionality of the acts of a former Legislature, and annul vested rights; that the State cannot take the benefit of the Roads, and refuse to pay her obligations incurred for the very purpose of building them; that the Governor is no Agent, but a Co-ordinate Branch of the Sovereign power; that bonds issued as commercial paper must be paid; that trusts solemnly assumed, cannot be betrayed with honor; that the estimate of the cost of the Road by the Legislature ended the question in law, ended it as to the bondholder, ended it as to the State, ended as to every requirement of law and justice, ended it once and forever."

That the bondholder of any endorsed bond can demand his rights, and to deny them is to confess dishonor of the obligation, which will recoil upon every interest, private and public and scatter like chaff the future hopes of the State.

Notwithstanding this able opinion and sound advice from one of Georgia's purest and ablest jurists the infamy of repudiation was consummated.

CONCLUSION.

WHY I RESIGNED THE OFFICE OF GOVERNOR AND DO NOT NOW RETURN TO GEORGIA.

The reasons which induced me to re-

sign the high office to which I had been elected by a large majority of my fellow-citizens were given in full in my letter to the public at the time that resignation took effect, and need not be here repeated. In no other way could I have checked the conspiracy that had been formed to grasp the Executive Department in a revolutionary manner, not unlike that by which the Legislative branch of the government had been absorbed:

As is well known to you the revolutionary proceedings by which the control of the Legislative branch of the government of the State was usurped were confined in a great measure to the Fifth Congressional District, in which resided the large majority of colored voters. That district at the previous election had sent some twenty or more republican members to the House, four republican members of the State Senate and a republican member to Congress. At the next election, through the conspiracy of Genl. Toombs and the violence of his Klan, but two republican members of the State Legislature were returned as elected, and the returns of the election in the District exhibited the astounding result of a large majority for Genl. Du Bose, Genl. Toombs son-in-law, as democratic member of Congress. This overthrow by violence of a republican district gave to Genl. Toombs and his Klan the complete control of the incoming General Assembly, and enabled him to organize, with confidence of success, his plans for grasping the Executive branch of the government.

If I had remained in office until the organization of Genl. Toombs' Legislature, that body would have passed resolutions of impeachment, without proof or expectation of proof of any official misconduct on my part, and on such resolutions of impeachment would have caused my suspension from office and the inauguration of the Senator from General Toombs' district whom it was his intention to have elected President of the Senate for this purpose. To

defeat this I resigned before that organization could be perfected and thereby made Judge Conley, then the republican President of the Senate, Governor for the unexpired part of my term, which term according to the constitution, would extend until the 2nd Wednesday in January (1873,) next ensuing. It was no fault of mine that this Legislature subsequently ignored the constitution and ordered a special election whereby Governor Conley was ousted, and the Executive Department usurped. That this unconstitutional and revolutionary action was not approved by the people of the State is abundantly manifested in the glaring fact that those of them who were opposed to this proceeding of Genl. Toombs' Klan abstained from participating in the so called election, and less than 65,000 of the 225,000 votes in the State were cast. It is therefore only this usurping minority of the people of Georgia who support, and are responsible for the reckless measures of extravagance and repudiation by which the State has been disgraced.

It is conclusively shown in the foregoing pages that there is no *evidence* of any wrong doing on my part, and that the committees of "Inquisition," after venomous research prolonged through nearly a year have utterly failed to either procure or successfully manufacture such *evidence*. It may therefore be enquired why I have not returned to the State. To this I reply that innocence would be no protection for me against the persecution by which those who now control the political and civil power of the State would seek to justify their previous slanders against me. Under the provisions of the "persecution" Act, which was framed and adopted expressly for this purpose, I would in the absence of excessive bail, have been thrust into prison and denied all access to my papers. Even had I escaped assassination the opportunity that I now enjoy of exposing the wretched failure of the committees "Inquisition" and of sustaining the measures of my administration and of the republican party, would never have

been accorded to me. Feeling that it was due to myself and to those who honored me with their election to the high office of chief magistrate of a great State, that the calumnies against me coined by our political opponents and issued for their benefit should be hurled back upon them and their infamy exposed I have preserved the opportunity of doing so.

My absence has not in the slightest degree impeded a thorough and rigid examination of my official conduct, nor did I desire or intend that it should. That examination was not evaded. Every fact was freely disclosed by my official records, and in addition eminent counsel were retained to aid the committee appointed to investigate my official conduct, and through them I have communicated all the information asked for by that committee. And while its proceedings have been a vindictive "inquisition" urged on by implacable political hate, instead of an impartial investigation, the result establishes the committee's failure and my triumph.

This committee was ordered by a joint resolution of a democratic Legislature December 1st, 1871, "to investigate the official conduct of Rufus B. Bullock late Governor of Georgia, including his management of the finances of the State, the issue and sale of State bonds and the endorsement by him, as Governor, of the bonds of railroad companies under the different acts granting State aid to said companies." If that order was founded in any *legitimate* purpose whatever it must have been to bring before the General Assembly such facts touching my "official conduct" as to enable that honorable body to decide upon the question of proceedings for impeachment. If the committee had disclosed evidence of "high crimes and misdemeanors," or of "official misconduct from corrupt or unlawful motives," it would have been the duty of the House of Representatives to present articles of impeachment to the Senate. On the judgement of two-thirds of that honorable body—

*the only power on earth which can first legitimately pronounce judgment upon my official conduct—I should have been either acquitted or convicted. If convicted the judgment would cause "disqualification to hold and enjoy any office of honor or trust or profit within this State;" * * * and render me "liable and subject to indictment, trial, judgment and punishment according to law."*

This committee was composed exclusively of democrats, and after *seven months* of labor, brought forth and presented their report early in the July session of the Legislature. On motion the report was read at length in each House. The only *recommendation* made to the Legislature in the committee's report is, [page 43] "that suits should be instituted against the parties so receiving it [fees paid to attorneys representing the State in the courts] for its recovery by the State." The report was referred to the Judiciary Committee, by whom so far as the records show, no action was ever taken. The Legislature by which this committee was appointed, and of which the committeemen were members, adjourned on August 24th *sine die*, without having adopted any other legislative action whatever in relation to this committee's report. A new legislature is to be elected on the first Wednesday of October next and the body which ordered the investigation into my official conduct has become *functus officio*. The result of seven months examination and "inquisition" was presented to them and was before them during a long session yet they seem to have found nothing in it upon which they were willing to risk formal action against me! Articles of impeachment were neither presented to or adopted by the House, nor was any action had by that body in that direction.

As has been heretofore shown the committee do not even alledge that there is any "official misconduct," any "fraud" or "corruption" on my part disclosed by their action except upon the assumption, *without any evidence to*

sustain it, that I was a partner and participant in the business of Mr. Kimball. Not only has that assumption been shown wholly false but the legislature by a large majority have so decided. The majority report adverse to the fairness of the lease of the State Road, was based exclusively on this assumed partnership. After extensive and able discussion the report of the majority was rejected on the ground that it was not sustained by the evidence, and resolutions approving and confirming the lease were adopted with great unanimity in each House, and concurred in by the executive,

I therefore congratulate my political friends and myself upon the fact that the committee failed entirely to make out any case against me for impeachment; that the committee admit their failure by not making any recommendation to the legislature, and that the legislature concurred in that failure by refusing to take any action whatever based upon that report. In fact so overwhelming was the disappointment of these committee in their hopes and expectations of finding "fraud," "corruption" or "official misconduct" on my part that the legislature took no notice whatever of the report of the "Bullock Committee." The "Bond Committee" were forced to declare the Statutes passed by their predecessors *unconstitutional* in order to get a pretext upon which to repudiate bonds, all of which were lawfully issued during my administration, and closed the State courts against any revision of their action.

The report of the "Lease Committee" was defeated and the lease made by me was sustained by the legislature. The "State Road Committee" are continued on duty hunting for "something against Bullock."

It is well known in Georgia, but may not be elsewhere, that I was elected Governor on the republican ticket and it was my lot to hold that office during the period of reconstruction. The great issue has been and still is the

question of reconstruction. Lifting the negro from slavery to citizenship and establishing governments with the colored man as a voter has aroused the undying hate of the kuklux democracy. Without faltering I upheld and maintained the reconstruction acts, and inaugurated the new State government under and by virtue of them.

When the Democratic Legislature, in defiance of the laws and constitution of the State and of the United States, expelled its colored members, by the sheer force of a partizan vote, I by an appeal to Congress and the earnest and zealous labor of months succeeded in having these same colored members re-seated and the democrats who had usurped their places put out. Then it was that the most deadly animosity of the klan and its leaders was excited against me, and my assassination fully resolved upon. From the fate of Senator Atkins, Dr. Ayer, Mr. Ruffin, Mr. Ashburn and others who were murdered by the klan, I fortunately escaped, but I did not escape the bitter persecution which has followed me and still follows me, and which will not cease so long as Genl. Toombs and his allies control the public sentiment of our State. Had I seen fit, as I was earnestly urged to do, to pander to their prejudices, by betraying the principles of the republican party and shutting my eyes to a palpable violation of the laws and the wrong and injustice done by their expulsion of the colored members of the legislature, thus practically bringing the State at an early day under their control and rendering nugatory the whole policy of reconstruction in Georgia. I would not only have escaped this ordeal, but these persons would have been as loud and intemperate in their praise, as they now are in their denunciation of me. I was not, however to be flattered nor forced aside from the plain path of my official duty. I counted the consequences and accepted the alternative, and so long as life lasts I shall be ready and willing to meet it,

These are the FACTS, and with them
I subscribe myself most respectfully,

Your fellow-citizen.

RUFUS B. BULLOCK.

Attention is invited to the letter from Mr. H. I. Kimball to me under date of November 7th, 1871, and my letter to my political friends and the public, October 23d. 1871, also an open letter addressed by me to Mr. Greeley in August last—published in the appendix.

APPENDIX.

LETTER FROM H. I. KIMBALL,

(COPY.)

NOVEMBER 7th, 1871.

DEAR GOV.:—The course I have pursued and the position I have taken in absentsing myself from Georgia, I believe under the circumstances to be *right*. But it is not my purpose in this communication to attempt its justification. Time will prove how far I am correct in my assumption of having done right. The object of this letter is to do myself justice by explaining to you some matters which, if left unexplained might cause you much trouble.

Had I anticipated the course I have pursued when I last left Atlanta I should most certainly have made the explanation personally, but I then hoped there would be no *necessity* for an explanation, and my physical inability to write since I left New York until now must be my excuse for not writing sooner. I hope the delay will not be disastrous to you.

In my report of loans made through me as Agent for the State I stated that the entire net proceeds had been placed to the credit of the State in the Georgia National Bank, which report I now confirm as *correct*. But to my great surprise I learned during my last trip to Atlanta that on the loan made through Mr. Whiton for \$75,000 (less \$500 for commissions) Mr. Jones had only placed \$30,000 to the credit of the State, the balance of \$43,500 he had placed to the credit of H. I. K. & Co., though Mr. Jones knew that the money was borrowed for and belonged to the State. He had full information and instruction forwarded by mail the same days the deposits were made in New York to his credit. The facts in regard to this loan are as follows: Mr. Jones said that you had drawn checks for a large amount for contractors on the Asylum, and he was anxious the deposit should be made, and as there was some delay in getting the bonds for Mr. Whiton to use, and knowing Jones' necessities I borrowed \$25,000 of the Marine Bank for the State, using my own collater-

als, and deposited the amount in the Park Bank to the credit of the Georgia National and notified Mr. Jones it was for the State. As soon as Mr. Whiton received the bonds and made the loan I paid the Marine Bank \$25,000, deposited in the Fourth National, at Mr. Jones' request \$30,000 and \$18,500 in the Park National, making \$73,500, all to the credit of the Georgia National Bank for the use of the State. In looking the matter up you will find that \$25,000 was deposited at the Park Bank before the delivery of the bonds to Whiton. I think the deposits were not made all in one lump sum; but in sums of \$5,000 to \$15,000 at a time. My report will show the amount of interest and commissions paid the Marine Bank, or Mr. S. H. Kneeland, 52 Wall st., has a full account of it as the loan was made through him.

The fact that Mr. Jones had credited H. I. K. & Co. with these amounts instead of the State was brought to my notice by my book-keeper, showing that the credit of H. I. K. & Co. in Bank was nearly \$45,000. You can judge I was surprised, for I *knew* that they had not one thousand dollars in bank at that time. On investigation I found that Mr. Jones had made the credits as before stated; \$30,000 which was deposited at the Fourth National, to the credit of the State, and \$43,500 which was deposited at the Park National, to the credit of H. I. K. & Co. There was no reason why he should credit the State with one deposit and my firm with the other, for both were made in precisely the same way, and the same instructions given him. He had told my business manager before I came home that he was simply holding the credit that way until the bank examiner, whom he was expecting every day, had passed, but that he could "*fix it*" at any time, but remarked that H. I. K. & Co., *must not check against it, though it did stand to their credit*. I immediately directed the amount to be placed where it belonged, viz: to the credit of the

State; but this Jones (knowing of my failure to sell securities) absolutely refused to do, saying the Bank held a large amount of paper which would soon mature, and for which he held me responsible, and he proposed to hold the money as it then stood until these acceptances were due and then charge them up against the account, among which was a large amount of Brunswick and Albany Railroad paper for which I was in no way individually responsible, that had been given Col. Gaskill and others on a contract made with the previous administration of the company in settlement for legal services, and which Mr. Jones had bought *individually* at a large discount. I exhausted every effort to get him to do what was right in the matter, but he persistently refused, consequently the account of the State has a credit of \$43,500 less than it should have, and less than I have reported it had. Mr. Jones will doubtless say that the deposits were made by H. I. K. & Co. and consequently for their account and credit. It is true most of the deposits were made by H. I. K. & Co. in New York to the credit of the Georgia National Bank, without stipulating at the New York banks where the deposits were made, that the money was for the use of the State; but this was done solely for the accommodation of the Georgia National Bank. Had it been done otherwise, the Park Bank would not have allowed Mr. Jones to draw against it until they had evidence that the State had received the money, consequently to save the Georgia National Bank from protest the deposits were made as before stated, and then we sent Mr. Jones the certificates and notified him to make the credits to the State account, precisely in the same manner as Mr. Rice done with the money he borrowed for the State while he was President of the bank.

I have owned a large majority of the stock of the bank during the past year, but have never exercised any control whatever over its management and have not had as much accommodation as I had while it was managed by Mr. Rice. I have paid $1\frac{1}{2}$ per ct. per month on all the loans I have had from the bank, and asked no more accommodation from them than they would have given any other equally good customer who was not a stockholder. I bought the stock at a premium on the representation of cashier Jones that it would earn from 20 to 25 per cent on its capital, but with a deposit account of over \$150,000 actively used under his management he has been unable to earn any dividend, though he did pay a dividend to a few outside stockholders, not representing over 5,000 (unless he paid himself a dividend on the stock standing in his name, on which he has never paid a dollar that was not borrowed from the bank at 7 per cent.)

I make this long explanation that you may fully understand the whole case and be able to compel the bank to place the \$43,500 to the credit of the State where they know it belongs. I regret exceedingly to feel constrained to make such statements in regard to Mr. Jones, and

would not do so were I *only* affected by silence, for until my last trip to Atlanta I had great confidence in his integrity, but I feel it to be due you to know the facts.

While I only intended to apprise you of the foregoing facts when I commenced this communication, I think I may as well add a word in regard to the last amount I borrowed from you; also in regard to my failure to complete the enterprises I had in hand. As you know, I have not been in Atlanta but very little for several months, and E. N. had arranged to keep your checks on the bank good, according to my agreement with you, and I supposed the entire amount borrowed from you had been paid back in that way. But Mr. Jones informed me that some of the drafts E. N. gave him had not been paid and he had charged them back to you, consequently your personal account appears as overdrawn. To explain to you how humiliating it is to be unable to pay you and other confidential debts would, I am sure, be but cold comfort to you now. I can only say my own brothers fare precisely the same as yourself, and that I have *nothing* with which to pay either them or you. I left everything of every name and nature behind, and but for a few hundred dollars received from Tiffany & Co., on some personal effects of my wife, I should, to-day, absolutely be without a *shilling*. I have left a very large amount of property, and but for my Rail Road obligations there would be enough to pay my personal liabilities ten times over. I have no idea what course my creditors will pursue, but whatever it is I see no other way for you Governor but to go in with the crowd and get your share.

In regard to my failure to complete the enterprises I had in hand I would say nothing but for the deep interest you have taken in internal improvements, and now a few words will be sufficient. The whole cause of failure may be summed up in a few words. Though I should write pages of explanations of each particular transaction, the real cause would still remain the same, viz: *failure to sell the securities*. All my plans were based upon the assumption and promise that the securities would be sold at a stipulated price. Contracts had been entered into and provisions made to carry through every enterprise, also to retire the mortgage on the Opera House, return the original lithographed bonds that were issued for the Opera House, and cancel the bonds of the Cartersville and Van Wert Railroad which were in the hands of Mr. Clews, *Treasurer*. But while in Europe the fact stared me in the face that the arrangements for carrying out these things were likely to fail. The promise to do them was however earnestly pressed home to the parties controlling the securities, and the only response made by these parties was, "Bridge over for a few days when the bonds will be sold and all shall then be carried out as agreed."

Realizing the necessity and importance of making good all my representations to you, I made strong efforts to have this promise made

good at once by the parties controlling the securities, and in an hour of desperation I executed a paper which admitted an indebtedness to them that *did not exist* and allowed commissions and deductions that were exorbitant and outrageous, so that over half a million dollars was swallowed at one scoop. But even this agreement proved unsuccessful. The Chicago fire was made an excuse for annulling all financial contracts, and I was left powerless. Defeated and worn out, I could do no more. I knew that I should be persecuted to the bitter end if I returned to Georgia without money. Therefore I left home, friends, property, everything near and dear to me, and none can ever know what suffering it has caused me. But, Governor, I have not done so because I have committed *any act* with which I am not willing you and the whole world should be made acquainted, and my strong hope in life now is that the time may come when all the facts and circumstances both pro and con may be made known.

I had undertaken immense enterprises, and as you know had pushed them forward with a degree of rapidity and enterprise never before witnessed in Georgia. To see these enterprises completed was my whole life and ambition. I could see nothing, know nothing that did not point directly to that end, and the stronger the prejudices and assaults were against me, the more earnest and determined I became; and not until my trip to Europe did doubts of complete success occur to me. I felt that there but two contingencies possible, either of which would defeat me.

1st. The failure of my health.

2d. Inability to sell my securities.

A kind Providence preserved the first, but disappointed mercenary designs, aided by political enmity to yourself, and sustained by a rival corporation, accomplished the other. The State Treasurer had been in the pay of the Brunswick and Albany road previous to my taking charge of it. This expensive bribery I refused to continue, and almost immediately afterwards he united actively in aiding this rival corporation to discredit the securities of my roads and of the State. You are familiar with the course pursued by them and its disastrous effects upon the State's credit. To a great extent this continued misrepresentation together with the failure of financial parties to keep their engagements with me, caused the inability to sell my securities and produced the second contingency. And in this, as I have before said, lies the whole cause of my defeat and inability to make good every promise and report to you; to the people of Georgia and the financiers in Wall street, N. York.

In my great anxiety to carry through my plans I may have taken responsibilities and assumed things as accomplished facts that have proved otherwise. But God knows the honesty of purpose with which I have made every move, and no matter what the accusations may be, or how detrimental the circumstances may appear, I am willing to wait and abide the ar-

bitrament of time to prove the truth of all my statements and the wisdom of my course. I do not however leave the State and the enterprises I have inaugurated without many regrets, but I do so with the consciousness that the State is richer by far for my having lived there. Had I been allowed to complete the enterprises I had well under way, millions more would have been added to the taxable property of the State.

I have made some warm personal friends in your State, to them I would be glad to express my thanks for their kindness. To those who have so persistently tried to break me down I would say do not exult too greatly in my defeat. *The end is not yet.* To those who have or may hereafter deal falsely with me I would only say—*they shall not be forgotten.* To you I would express my warmest sympathy, kindest feeling and most earnest hopes that you may successfully weather the storm that is sure to come upon you and your political adherents.

Thanking you for your many kindnesses to me and regretting the necessity for this communication with you, I am, Governor,

Respectfully yours,

(Signed)

H. I. KIMBALL.

GOV. BULLOCK.

A LETTER EXPLAINING THE CAUSE OF HIS RESIGNATION.

EXECUTIVE DEPARTMENT, STATE OF GEORGIA, }
Atlanta, Ga., Oct. 23, 1871 }

To my Political Friends and the Public:

I have this day received information, the truth of which cannot be doubted, that the political conspirators who seek the overthrow, not only of the reconstructed Government of Georgia but of the United States, have secured the pledges of a sufficient number of the incoming members of the Lower House of General Assembly to vote, *without previous investigation*, for articles of impeachment against me, immediately after their assembling and organizing on Wednesday, Nov. 1. And that having so adopted such articles in the House, a sufficient number of Republican Senators will be unseated by the majority to insure a two-thirds vote for conviction. Also that the Judge of the Supreme Court who has continuously acted with these parties, has informed his friends that this programme has been perfected, and that he has been selected to preside, during the trial, over the Senate, while the Senator representing Gen. Toomb's district is to be elected President of the Senate, and immediately announce himself as Governor pending the trial before the Senate, and during the unexpired part of my term.

Upon this state of facts I have decided to resign the office of Governor into the hands of the Hon. Benjamin Conley, now President of the Senate, and thereby defeat this nefarious scheme of these desperate political conspirators. By this course I shall protect my political friends in the Senate from the expulsion that had been

preordained in order to secure my impeachment, and at the same time save the State from the disasters that would be sure to follow in the wake of success on the part of the unpardoned and unrepentant Rebel leaders, who, though comparatively few in numbers, move the masses by the irresistible pressure of sectional hate and social proscription. I have maintained my official position against the assaults of these people upon the cause of equal rights and Republican government, just as long as it is possible for me to be of service. And now, for the purpose of again defeating this latest onslaught of these destroyers, I have resigned the office into the hands of that noble and unswerving friend of right and justice, the Hon. Benjamin Conley, who, under the Constitution, by reason of being now President of the Senate, becomes Governor during the unexpired part of my term or until a successor is elected by the people. No charge has yet been brought against him, because he has not heretofore been supposed to be an obstacle. If assaults are now made upon him, the country will understand the purposes for which they are made.

As for myself, being divested of official position, the charges of every character which they are sure to make in the public prints, can be brought before the Court, and I shall never shrink from any judicial inquiry that is not the result of political bias and prejudice.

May I be pardoned for a word of warning to the men who fought for the Union? Six months ago, in Georgia, the mass of the people were acquiescing in the results of the war, and willing to accept those results as being finalities, but under the public teachings of certain old leaders, who need not be named, the whole situation has changed, and leading gentlemen, even in the Democratic party, who dared to speak in favor of acquiescence and peace have been assailed and denounced, and the people so intimidated that they dare not follow their advice. These conspirators fear, above all else, the reelection of Gen. Grant. Their insidious efforts to mislead him as to the true situation in the South having utterly failed, they now fear that same persistent and irresistible maintenance of the right under civil administration which so brilliantly marked Gen. Grant's military advances in the overthrow of the first Rebellion.

I am now fully satisfied that these men purpose to control the Government and reverse the political results of the past few years, by peaceful means if they can, and by foul means if they dare. Failing in this, another attempt at separation will be made. If evidence of this were wanting, we need but to point to the public and private utterances of those who were foremost in Secession and Rebellion, still maintain that they were right, and denounce and ignore the fundamental law—the Constitution of the United States. Will the country take heed in time, and thus avert another war, with its fearful train of disasters?

If my action in this emergency had been postponed until after the meeting and organization of the coming body of legislators, the Executive branch of the State Government would have been absorbed by the conspirators in the Legislative branch, and there would have been no check upon the wholesale repeal and destruction of all the great measures of reform and progress that we have labored so hard to establish.

The free school system would be abolished; the colored citizen denied even the right guaranteed to him and the whole work of internal improvement carried out by Northern capital would be swept away. The growing spirit of lawlessness and proscription for opinion's sake is daily rendering the property and lives of Union men and Republicans more and more unsafe, and I fear the worst consequences if the Executive office should be filled by one not only in sympathy with those who urge on and inflame this feeling, but who is moved and actuated by them. With no one in the Executive office to call upon the General Government for protection and support, its friends and supporters would be handed over without mercy to the assaults of their enemies.

For these reasons I have determined on this step, believing that much good that has already been accomplished can be preserved through the wise and firm check upon the revolutionary measures that will be given by Gov. Conley in control of the Executive Department, and that thereby the good of the whole people of Georgia will be promoted, and I shall cheerfully give to Gov. Conley all the information in my power that he may desire.

REFUS B. BULLOCK.

AN OPEN LETTER TO HORACE GREELEY.

To the Honorable Horace Greeley, Candidate for President of the United States.

SIR—in a speech delivered by you at Portland, Maine, you bring before your audience my name. The Tribune publishes a report of your remarks with the editorial announcement that it was "a prepared speech, carefully written out, and read from the manuscript." That publication was doubtless made from your manuscript and by authority, as it appears one day latter than the telegraphic reports; and in this manner you have brought me before the country. The latest previous occasions upon which you honored me with your notice, was when we met as invited guests on the stage of the Academy of Music, during the evening ceremonies attending the unveiling of the statue of Prof. Morse; and in your letter to me of October last, expressing your regret at your inability to attend our Georgia State Fair. In that letter you were kind enough to assure me, among other things, that the prospects were good for Republican success in the then pending elections. You abstained from exhibiting or expressing any want of confidence in the Republican administration of Georgia on either occasion.

All the slander and abuse of me which could be invented and printed, by those who now support you in the South—in Georgia—had then been invented and printed, and yet it is not until the 14th of Aug., present, that you were willing to say, as you do in your Portland speech, "carefully written out and read from the manuscript," that "they (those who support you in the South) cherish a joyful hope, in which I freely concur, that between the 5th of November and the 4th of March next quite a number of the Governors and other dignitaries who, in the abused names of Republicanism and loyalty have for years been piling debts and taxes upon their war-wasted States, will follow the wholesome example of Bullock of Georgia, and seek the shades of private life. The darker and denser those shades the better for themselves and for mankind. And the hope that my election may hasten this much desired hegira of the thieving carpet-baggers, has reconciled to the necessity of supporting me many who would otherwise have hesitated and probably refused." It is true that upon that paragraph you could not be convicted of having asserted that I "have for years been piling debts and taxes upon * * war-wasted States," or, that I am "a thieving carpet-bagger," but that you intend by your reference to imply this is plain. You know me and of me too well to believe the charge to be a correct or just one. You do not so believe, and yet you make it! What I am to think? Either that you sought to make yourself more acceptable to those who support you in the South, by giving currency and dignity to their slanders, without incurring the responsibility of making a direct assertion, or that you have voluntarily earned and taken upon yourself the forcible but inelegant appellation that you would apply, were you in my place under similar circumstances.

You know, Mr. Greeley, that I was a resident citizen of Georgia before, during and after the rebellion; that there all my social and pecuniary interests are centred; that I resigned the Presidency of an important Railroad Company in Georgia to accept the office of Governor; that I accepted the reconstruction policy of Congress as being the best for us at the South, and have faithfully endeavored to carry it out; that until the issue was made on the right of the negro to hold office and a seat in the Legislature there was no ill said against me even by my political opponents; that my successful efforts in restoring the negro members to the Legislature against the opposition of Gen. Toombs and his Ku-Klux is the cause for the slanders which they have put in circulation and which have since pursued me, and that I could at any time have purchased peace and praise by yielding my support to them then and to you now. All this is within your knowledge, and yet you, Mr. Greeley, from the pinnacle of your most ambitious desires, have gathered calumnies together and pitch them down upon me.

THE UNWRITTEN LAW.

You admit, Mr. Greeley, there is an unwritten law which prohibits a candidate for the high office to which you aspire from discussing political topics. Is not the prohibition of that unwritten law still more stringent to restrain one occupying the eminent position of a Presidential candidate from giving public utterance to calumny? May he avail himself of that great height to display to the world how recklessly he has abandoned faith, fairness and truth to reach it, and the impunity with which he can scatter slander and abuse upon those whom he now opposes? Can he who uses the prominence of his candidacy to rob even the humblest citizen of his name and reputation, be trusted to "preserve, protect and defend" the lesser values of life, liberty and property?

That unwritten law, Mr. Greeley, is the public opinion formed by the intelligent masses, unerring and decisive: You have broken the law in a remarkable manner, and will not those who make the law give their verdict against him who has violated it?

THE OLD ISSUE.

But by the injustice you have stooped to do me, Mr. Greeley, you have ignored the restriction that would render it presumptuous in me a private citizen to address myself to you publicly, or to criticise your utterances. As you have thus opened the door for me, however, my purpose is to enter and present to you some facts.

The facts to which I shall invite your attention were all well known to you before, and are known to you now, but you are doubtless unwilling and ashamed to admit it.

This Portland speech of yours, Mr. Greeley, was "prepared carefully written out, and read from the manuscript," and must, therefore, be accepted as a matured statement of the measures which your election is intended to promote. Certainly it must be received as your understanding of the issue upon which the American people are to be divided and to give their decision at the ballot box. And what is that issue as you present it? Is not the same old story of men out of office seeking to supplant those in office?

You confine the application however to the Southern States, and that brings up the old issue of reconstruction. You say that those who support you in the South hope that your election may hasten the much desired hegira of the thieving carpet-baggers, and that you think you hear a voice from the honest people of all the States declaring that this iniquity (Republican State government in the South) shall be gainful and insolent no longer, at farthest, than to the 4th of March next. Does it not occur to you that the people have already passed judgement on these very measures? Is not there a striking similarity between the "joyful hope" in the South for the measures your election is intended to promote, and the promises held out in Gen. Blair's celebrated Broadhead Letter? Did he not propose to use the army to "disperse the

carpet-bag governments?" Did not the Democratic Convention which nominated him declare the reconstruction acts of Congress, under which those governments were formed by the whole people—white and black—to be "revolutionary, unconstitutional and void?" Do you not remember the verdict of the people on that issue? It is the same "chasm," Mr. Greeley, not "bloody," but *black*. In 1868 the black man stood in the "chasm" with the ballot in his hand, and the Democracy asked the nation to reconcile them by taking the ballot away. In 1872 the Democracy promise to "clasp hands" over the "chasm," and to consent to the black man keeping the ballot, if you will see to it that there is no interference with "local self-government" while they exercise their peculiar forces for directing the black man how to use the ballot. The great majority of the loyal hearts in the nation responded to the first request by electing him who "had never been defeated, and never will be," to preside over the Government, and their Congress enacted laws to protect that ballot with the bullet if necessary. That majority will soon be increased for Gen. Grant that he may continue to afford complete protection to every American citizen, both at home and abroad, whether assailed by Spanish injustice, Mexican banditti or Confederate Ku-Klux, and carry out his expressed desire to secure "a pure, untrammelled ballot, where every man entitled to cast a vote may do so, just once at each election, without fear of molestation or proscription on account of his political faith, nativity or color." And bring about that "happy condition of the country when the old citizens of these [the Southern] States will take an interest in public affairs, promulgate ideas honestly entertained, vote for men representing their views, and tolerate the same freedom of expression and ballot in those entertaining different political convictions."

You cannot believe, Mr. Greeley, that the American people will be any more willing in 1872 to authorize you to withdraw the protection of the General Government from the loyal citizens, and voters and governments of the South, that the Ku-Klux may cause a "hegira," than they were in 1868 to permit Gen. Blair to perform that service for the rebels with the Union army.

REPRESENTS MR. GREELEY'S MEMORY.

For fear that you might convince yourself that you had forgotten the reconstruction issue, you will, I hope, pardon me, Mr. Greeley, while I ask you to recall to your mind that in 1865 and 1866 President Johnson reconstructed the Southern States—"the late Rebel States"—by appointing governors and disfranchising, by a property qualification, a large number of white men—all who were possessed of, say ten thousand dollars' worth of property, and ignoring all the freedmen. The "Black Codes," enacted by, and the conspicuous absence in the Johnson Government of any proper appreciation of what was due the colored race in its then condition of freedom led Congress to adopt the Recon-

struction acts. By those acts all male persons of age, black and white, rich and poor, except the few who had sworn as officials to support the Constitution of the United States and afterward engaged in armed rebellion against it, were to vote in the several States:—

1st. Whether or not a convention should be called to frame a State Convention.

2d. If a majority voted "aye" then delegates were to be elected to that convention.

3d. The Constitution so framed was to be submitted to a vote of the people.

4th. If a majority of the voters adopted the Constitution and it was accepted by Congress, then an election was held for the officials provided for in that Constitution.

You approved of this programme, these acts, and under them "local self-governments with impartial suffrage" were established in all the "late rebel States." You urged all to accept and enforce those acts.—You have not forgotten it. What then do you mean when you say that the hope that your election may hasten the much-desired overthrow of all this, has reconciled to the necessity of supporting you "many in the South who would have otherwise hesitated and probably refused?" In pledging yourself to recognize, in the distribution of offices, all the heterogeneous elements which may come to your support, you convey your meaning to the average office-seeker by the following happy figure:—"I never yet heard of a man who invited his neighbors to help him raise a house and proceeded to kick them out as soon as the roof was over his head." Those who are in office and those who desire to be must decide for themselves as to the value of this assurance. But what I desire now is to ask whether by your recommending the support of the Congressional measures of reconstruction you have not invited your neighbors in the South to raise the house of Republican governments there? And now that it is fairly over your and their heads, are you not trying to kick them out that your new friends may get in?

Now Mr. Greeley, let me refresh your memory as to the manner in which this Congressional policy of reconstruction was inaugurated. I will confine myself to the case of Georgia, and I believe that to be a fair illustration of the proceedings in all the other late rebel States. The names of all the male citizens of the State, rich and poor, black and white, except the few by law excluded for reasons before stated, (less than 5,000 of the 235 000 voters in the State) were registered. An election was held. The Democracy, who had approved President Johnson's reconstruction on an exclusive white basis, abstained from participating in the election. In their opinion the "terms"—equal suffrage for white and black—"would involve a surrender of their manhood." Nevertheless, more than half of the registered voters voted, and nearly unanimously in favor of a convention. Delegates were elected, a large majority of whom were Republicans, and the Constitution framed by that Convention was adopted by the people. In that Constitution there is not now and never was one line or word of dis-

franchise or disability—every man in the State can vote, and hold office if elected. In the spring of 1868 an election was held for Governor and a Legislature under that Constitution, and, true to their instincts when office was to be had, the Democracy waived "their manhood" and entered upon an active canvass. A Confederate Lieutenant-General—now one of those who support you—was nominated by them for Governor, with Colonels, and Majors, and Captains "too numerous to mention," for members of the General Assembly. The Republicans succeeded in giving me a good majority, electing at the same time a majority of the Senators, but by a non-enforcement of the law a large number of disqualified men were seated in the House, and the Democracy thereby controlled it.

"REVOLUTIONARY, UNCONSTITUTIONAL AND VOID."

On the 4th day of July, 1868, the Democratic National Convention declared the reconstruction acts of Congress to be "revolutionary, unconstitutional and void," and very soon afterwards the Georgia Legislature enforced that declaration by expelling all its colored members—nearly thirty—and seated disqualified Democrats. This defiance of the reconstruction acts became an important element in the discussions during the Presidential campaign of that year, and the result of the election was a decisive condemnation of the unlawful proceeding. As you are aware, Mr. Greeley, to the best of my ability, I protested, in official messages to the Legislature, against this great outrage, at the time the colored members were expelled, and upon the assembling of Congress in the following December, I, in a memorial, invited the attention of that honorable body to this practical illustration of the intent and purpose of the Seymour and Blair platform. The *Tribune* was kind enough to commend my action at the time, but I presume now that you did not write the article.

The issue before the country in the Presidential campaign of 1868 was that of equal suffrage and equal rights for black and white, as put in practice in the late rebel States by the reconstruction acts. You sustained the affirmative, and the good cause triumphed in the election of General Grant, and upon President Grant's recommendation, Congress passed an act in December, 1869, providing for the restoration of the colored members who had been expelled from our Legislature, and excluding those who had been seated in defiance of the law, and it was made my duty, by that act of Congress, to participate in those proceedings. Under that act of Congress those members were restored to the seats from which they had been ejected, and the wrath of the Ku-Klux was publicly proclaimed in vengeance against its authors, aids and abettors. That vengeance was enforced against me as follows:

KU-KLUX CONSPIRACY.

In December, 1870, an election was held for members of Congress and a State Legislature. In that election Gen. Toombs took an active part. The election law was ignored and defied by him and his Ku-Klux in the Fifth Congressional District. Election managers were imprisoned, votes of colored men were refused, and the result was the return of Gen. Toombs' son-in-law as a member of Congress, for a district having a majority of over three thousand colored voters. With one or

two exceptions every county in this district has a Republican majority, and would have elected Republican members to the Legislature, and a Republican M. C., but by the management and violence under Gen. Toombs' direction this majority was overthrown in every county but one, and only two Republican members were returned to the Legislature from the whole district. The result of this was to place the Legislature in the complete control of Toombs by a large majority on all political questions. Under the Constitution of Georgia, the presiding officer elected by the Senate is *ex-officio* Lieutenant Governor, and becomes Governor during the unexpired term upon the death, resignation or disability of the Governor. The Legislature elected, as I have explained, was to assemble and organize on the first day of November, 1871. The concerted plan, whereby the conspirators intended to wreak vengeance upon me, and at the same time usurp the Executive Department of the Government, was to elect the Senator representing Gen. Toombs' district as President of the Senate, pass articles of impeachment against me in the House, and on their being presented to the Senate, claim my suspension from office during trial by that body, and thereupon swear in the Ku Klux President of the Senate as Governor *ad interim*. It was, perhaps, not expected that my conviction could be had—at least I have since been so informed—but the trial was to be kept on and continued during the balance of the term. To defeat this well-laid scheme of Gen. Toombs I resigned my office two days before the assembling of his Legislature, and by that act made Judge Conley, who was then the Republican President of the Senate, Governor during the unexpired part of my term. According to the Constitution, Governor Conley should have held the office till the second Wednesday in January, 1873.

Thus it was that in the effort to save Republican supremacy in Georgia, I sacrificed myself by resigning the high office to which I had been elected by the people, and it was in this manner and for these reasons that I was induced to "seek the shades of private life."

GREENLEY NEVER RESIGNS.

Did you, Mr. Greeley, ever resign an office or decline a nomination for the purpose of promoting the interests of your party? Did you ever resign or decline for any reason whatever? On the contrary, have you not been ever since "Saturday evening, Nov. 11, 1854," plotting revenge because of unsatisfied ambition? Have you not prayed and betrayed every President and Vice President you helped to elect, from Gen. Harrison to Gen. Grant? Have you not alternately praised and abused every public man, except Horace Greeley, from that day to this? Were you not ready and willing to destroy the Whig party, of which you were a trusted leader, in order to secure your own election as Governor of New York in 1854? Were you not prevented from consummating that treason by the firmness and fidelity of Governor Seward and Mr. Weed? If not, what is the meaning of the following admission in your letter of Nov. 11, 1854, to Mr. Seward? "I suspect it is true that I could not have been elected Governor as a Whig. But had he and you (Weed and Seward) been favorable, *they would have been a party* in the State ere this which could and would have elected me to any post."

H. G. & J. D.

From Memphis, in June of last year, you said very truly that those who now support you in the South "propose to renew the fight, but not with guns and sabres. They expect to regain as Democrats, through elections, what they lost as rebels through the war. * * * They will seek to coerce enough of it (the colored vote) into voting the Democratic ticket to give them a majority of Southern electoral votes for next President." With equal correctness your friend, Jefferson Davis, announced in his speech at Atlanta that the "Lost Cause" would be regained by dividing the Republican party in the North and uniting the solid Rebel electoral vote with that of the Union traitors." In this connection will you "rise and explain" what were the circumstances under which you obtained your consent to "fire the Southern heart" by your scathing and sweeping denunciation of the carpet-baggers at your Union Square speech, after your trip to Texas? Was not this your public pledge of fealty and bid for the leadership of ex-President Davis' reorganised army? Did you not commune with yourself and a few others on your return from Texas in 1871, and say, "I suspect it is true that I cannot be elected Governor, or to any other office, as a *Republican*." But the Copperheads, Rebels, and a few Republicans being favorable, "*there will be a party in the country that can and will elect me to any post—even President of the United States?*" Did you not speak contemptuously of the Whigs as the "swell mob of coon minstrels and cidersuckers at Washington," in the same manner and for the same reason that you now characterize Republicans as "thieving carpet-baggers?"

Carpet-baggers, thieving carpet-baggers, carpet-bag governments, etc., by reason of Democratic iteration and reiteration, have become synonymous with Republicans, Republican officials and Republican governments in the Southern States, and you, Mr. Greeley, a nominee for President of the United States, give utterance in a prepared speech to this Rebel slang! You do more. You charge that "the thieving carpet-baggers have stolen at least ninety millions of dollars from the already impoverished and needy." Do you believe this? Have you ever seen any evidence of it? Can you cite one single fact to prove it? Or do you rely upon the statements of partisan newspapers? I have seen it stated in those same journals that a large amount of money was paid Governor Fenton for his approval of a railroad bill. Do you believe this accusation against the ex-Governor upon that character of evidence?

EXACT STATEMENT OF FACTS.

For more than a year the journals that support you in the South, and some of those in the North, have retailed the slanders against me and against my administration of affairs in Georgia, and public speakers of distinction arguing in your interest have uttered them. Content to rely upon the truth and correctness of my official records, and leave to time the refutation of my defamers, I did not consider those assailants worthy of specific notice; but now that you, Mr. Greeley, the candidate of the great opposition party for the highest office in the world, give color, if not emphasis, to those slanders, and assume to present them as a reason, if not the only reason, for the defeat of a Republican President, I feel that duty to the party, to myself and to you demand that I should

repeat to you an exact statement of the facts concerning that administration.

Reform is loudly claimed by you and your allies as the purpose for which you demand the defeat of Gen. Grant, yet in your prepared speech, "carefully written out and read from the manuscript," the only measure of reform which you present to the country is based upon the alleged wrongs and misdoings by Republican State officials in the Southern States. Do you use this because the people of the North are less likely to be so well informed as to its falsity as they are in regard to those other slanders of the "New York Custom House," "Nepotism," "French arms swindle," "Long Branch cottage," "San Domingo," etc.? You know they are all equally without foundation. But, Mr. Greeley, if all that is or can be said against the Southern State Republican administrations were true, how is it the fault of the President? All of those State Governments, except Virginia and Mississippi, were elected by the people and inaugurated before Gen. Grant was elected President, and beyond enforcing the acts of Congress—all of which you have approved—the President has had no more to do with the internal affairs or local officials of those States than with Maine or Massachusetts. Therefore, admitting that the statements made by the Ku-Klux and repeated by you to be true, Gen. Grant cannot be held responsible for the alleged evils, but as I know these statements are false as to one State I assume that they are false as to all the States.

The statements are not true as to Georgia. Group the charges made against the Republican administration in Georgia, by those for whom you speak, Mr. Greeley, and they are as follows: That before the "Radicals" took charge of her affairs, the State had but little or no debt, and that the net earnings of the State's railroad, under Democratic control, paid all, or nearly all, of the State's expenses; that under "Radical rule" none but "carpet-baggers" were permitted to hold office; that the State debt had been increased various amounts, ranging from forty to fifty millions, with no record or account of the bonds or of their proceeds; that all of these bonds and proceeds had been stolen by the "thieving carpet-baggers," and that the State's railroad had been given away to Cameron and Delano in trust for Grant. All this, it is alleged, has been done by "Bullock and the Radicals in Georgia."

THE TRUTH PUBLISHED IN THE TRIBUNE FOR A CONSIDERATION.

Now, Mr. Greeley, the truth is—as you know, or ought to know, for it was published for a consideration in the *Tribune* while you were its editor—That the Republican administration was inaugurated in Georgia, July 4, 1868; that among all the principal Republican officials—Chief Justice and Associate Justices Supreme Court, Judges and Solicitors General Superior Courts, Judges and Attorneys of the District Courts, Attorney General, Governor, Secretary of State, Comptroller General, Treasurer, Commissioner of Public Works, etc., etc., there is not one man who was not a resident citizen or native of Georgia and a slaveholder before and during the war; that the bonded debt of Georgia, July 4, 1868, was \$6,256,635; that the increase of that debt during my administration of nearly four years was only \$4,800,000, of which \$3,000,000 was for State expenses, payment of ante-war bonds, etc., and \$1,800,000 for railroad construction. —So

that instead of forty or fifty millions increase in the State debt by the "Radicals"—the "thieving carpet-baggers"—it was less than five millions. The contingent liability incurred during that period by State endorsement on the mortgage bonds of railroads constructed within the State was \$6,683,400. Instead of these amounts, or any part of them, being stolen, the records of Georgia show every bond and every dollar registered and accounted for;—nearly one million of her ante-war debt and interest redeemed and canceled, the payment of the expenses of the Constitutional Convention, elections, Legislative expenses for five sessions, free schools, interest on the public debt nearly four years, cost of Capitol and public buildings and Executive Mansion, made necessary by removal of the Capitol from Milledgeville to Atlanta, enlargement and additions to the asylums, etc., etc., support of the public institutions nearly four years, over six hundred miles of railroad constructed and now running within the State, and an increase of *over fifty millions in the value of property, as shown by the returns made by property holders, at their own valuation, for taxation.* So that instead of "piling debts and taxes on their war-wasted States," as you say, we have caused to be built over six hundred miles of railroad within the State, and enhanced the value of property thereby over fifty millions of dollars in less than four years of Republican legislation and administration. This has been accomplished, too, in spite of the most relentless, vindictive and murderous opposition, and THERE HAS BEEN NO INCREASE IN THE RATE OF TAXATION.

These figures that I have given you are facts, Mr. Greeley. They do not lie, and you, and the Democracy and Mr. Toombs' Legislature, with its committees, whereby he promotes the pecuniary interests of his clients and himself, and persecutes his personal and political enemies, may twist and turn, distort and reverse them how they may, the truth of them cannot be overcome. The figures are copper-fastened, but not "copper-headed."

THE REAL COMPLAINT.

The real complaint is not against the *doing*, but against the *doers*. All this, which would be commended by you now, if the Democracy held the office, is "thieving carpet-baggery," when accomplished by Republicans, white and black.

But the crowning outrage with which we are charged is the stealing of the State's railroad and giving it to Messrs. Cameron and Delano in trust for President Grant. It is possible, Mr. Greeley, that you did not know that this railroad was built by the State, and opened from Atlanta to Chattanooga some twenty years ago. During these years, up to July 4, 1868, under Democratic management, it had cost the State (not including war times) \$2,165,273 more money to run the road than it paid into the Treasury. We poor, despised Radicals, however, passed a law authorizing the lease of the road, and appointing a commission to wind up its affairs and pay its old debts. Under this law the road has been leased to the highest responsible bidder—a company of Georgia railroad officials and their associates, who had given the State a good bond for eight millions of dollars security to pay into the State Treasury twenty-five thousand dollars cash at the end of every month for twenty years, and return the road in good order to the State at the expiration of that time. Instead of stealing the road, we have fixed it so your new friends can't steal it, and "that's what's

the matter." The Democrats made the road lose nearly three millions in the twenty years past, and we make it *pay more than six millions to the State* during the twenty years to come. After the election, please give me your *honest* opinion as to whether the Georgia Republicans are entitled to praise or blame; it would not be politic for you to do so before.

Under Republican legislation and administration in Georgia, Mr. Greeley, every State bond that matured was promptly paid. The interest on the public debt was liquidated when due, and the general expenses of the State were paid in cash on demand. Internal improvements were encouraged, over twenty millions of foreign capital were brought to and invested in the State, and the universal confidence and prosperity that prevailed was evidenced by the enhanced wealth of the people as shown by their own estimates of the value of their property. Under the present *regime*, which by no means represents a majority of the people of the State, the fair name of the good old commonwealth is disgraced by a set of vindictive repudiators who have ruined her credit and her reputation.

PENSIONS FOR CONFEDERATE SOLDIERS.

And now, Mr. Greeley, I must claim your attention while I speak of other matters in your carefully prepared speech; the one you read from the manuscript.

You state most positively that "no Southern man who could be elected to a Legislature or made colonel of a militia regiment, ever suggested the pensioning of rebel soldiers, or any of them, *even as a remote possibility*," and yet you must have read in your newspapers from Georgia, that at the present session of the Legislature, composed largely of Southern men who support you, and who are not only "Colonels," but *Generals*, bills had been introduced, and up to the latest dates had passed the lower House, giving *pensions to disabled Confederate soldiers, and to exempt the property of disabled Confederate soldiers from taxation.* A leading member of the House, on whose motion these and kindred measures were adopted, said in his speech commending them, that the "widows and orphans of the State who are debarred of the RIGHT OF PENSION, extended to Federal soldiers, should be cared for," and on the same day that these proceedings were had, bills were reported by committee to repudiate bonds and debts legally in the hands of, and justly due to Northern Republicans. Do you believe these Greeley men would hesitate to adopt precisely the same propositions if they had a majority in Congress? When, if ever, those men have that majority—and the leaders are now Greeley candidates for Congress—do you not know that the alternative will be presented and insisted upon, of payment for Confederate bonds, cotton and slaves, pensions for Generals and soldiers, widows and orphans, or repudiation of the Union debt? The demand would be "consolidation of the Confederate and Federal bonds, or the payment of neither"—and you would surrender.

JUSTICE AND RECONCILIATION.

You also say: "From those who support me in the South I hear but one demand—Justice; but one desire—Reconciliation." Do you forget the martyrs Ashburn, Adkins, Ayer and Ruffin; all white men, native Georgians and leading Republican officials in Georgia, who lost their lives for opinion's sake by the hands of Democratic assassins

sins? Do you remember the massacre at Camilla, Georgia, where Republicans, white and black, were shot down and hunted through the forest with dogs, because they dared to attempt holding a Republican meeting where one had been forbidden by those who now support you in the South? These are but sample cases of hundreds similar in atrocity and of later date. Have you ever heard from those who support you in the South a demand for *Justice* upon the fiends among their own number who have perpetrated these bloody deeds? Have they ever extended, offered or exercised *Reconciliation* towards those persons in their communities who had the temerity to denounce these outrages and to sustain the political rights of the negro? On the contrary, did not the Convention of those who support you in Georgia contemptuously ignore even the small squad of recalcitrant Republicans who humbly offered to fall down and worship you with them, the other day, at Atlanta?

The Toombs Legislative Committees having been compelled to admit that there were no bonds issued during my administration that were not regularly executed, recorded and accounted for as required by law, now raise a question upon the constitutionality of the laws by which the issue was authorized, and assume to decide that question adversely, by recommending repudiation. The Legislature refused to accept an amendment to the report, offered by a leading Democrat, to submit the question of constitutionality to the State Supreme Court, a majority of which is now Democratic. Thus a legislative body, a large majority of whom support you, usurp the functions of the Executive and Judicial branches of the Government; pass and enforce judgment upon the constitutionality of laws enacted by their predecessors, and deny to citizens who are wronged and robbed the right of appeal, even to our own Courts. Is this Justice? Is this Reconciliation? Would the same men in Congress hesitate to declare and to vote that the laws authorizing the national debt were unconstitutional, and refuse to make appropriations for the payment of the interest or principal?

My predecessor in office, who was selected under the Johnson policy, refused to recognize the validity of the reconstruction acts, and instead of turning the Government property over to his legitimate successor, he absconded, fled the State, and carried with him or concealed the public treasure, the archives and the Executive seal. The Republican authorities of the State neither pursued or prosecuted him. Now that those who support you and agree with him that the reconstruction acts are "revolutionary, unconstitutional and void" have a majority in the Legislature, a resolution directing the presentation to him of a medal has been adopted, with the following as a part of the preamble:

WHEREAS, Gratitude to a great and good man, deference to the people of Georgia, and the encouragement of patriotism and virtue in the generations to come, alike render it good that we should make and put in imperishable form a recognition of his fidelity to his trust; therefore be it resolved, etc.

May we not reasonably expect a similar preamble in honor of "ex-President Jefferson Davis," as a measure of *justice* and *reconciliation* when the same parties, under your lead, secure a majority in Congress?

As Mr. Lincoln said thirteen years ago, is not all this talk by you of *justice* and *reconciliation* for those who support you in the South, "one of those sophistical contrivances * * * such as Union appeals, beseeching Union men to yield to disunionists, reversing the Divine rule, and calling not the sinners but the righteous to repentance?"

NULIFICATION.

Speaking for those who support you in the South, you say, Mr. Greeley, "they wish to be heartily reunited and at peace with the North on any terms which do not involve a surrender of their manhood." Does it not occur to you that the terms here stated are quite indefinite? Twelve years ago "their manhood" would not submit to the election of a "Black Republican" President, and they made war to destroy the Government. Four years ago, and since, "their manhood" would not permit negroes to enjoy equal, civil and political privileges. At present "their manhood" revolts at the thought of any one daring to deny their sacred right to compel the negro to exercise his civil and political privileges as they may dictate. In fact, do you not know that "their manhood" will accept nothing less than the same complete surrender to them by the whole Union element which they have accepted from yourself, and a very small portion of it?

EQUITY AND RIGHT.

You say that those who support you in the South "ask that they shall be regarded and treated by the Federal authority as citizens, not culprits, so long as they obey and uphold every law consistent with equity and right." Now, when that sentence was carefully written out and read from the manuscript, did it not impress you that there was a striking harmony between this proposition and the doctrine of nullification? If those who support you in the South are to judge what is "consistent with equity and right," which, if any, of the laws for the benefit and protection of the negro and the Union man will they "obey and uphold?" In April, 1865, many of the same persons considered themselves very fortunate when they were permitted, by the generosity of General Grant, to take themselves, their personal property and Government horses freely away from captivity on parole to "obey the laws in force where they may reside." Were they not on that occasion "treated by the Federal authorities as citizens, not culprits?" Do you propose, if elected President, to amend that parole so it will read, "Obey the laws in force where they may reside, if consistent with their ideas of equity and right?" Can you point to the time and place when, with the exception of Mr. Jefferson Davis, those who support you in the South have been treated by the Federal authorities otherwise than as "citizens," since they laid down their arms? Can you point to the time and place when those supporting you in the South have not treated as "culprits" all citizens in their communities who dared to uphold the rights conferred upon negroes by Federal authority? It is not the restriction, but the extension of privileges of which they complain. It was quite consistent with their ideas of "equity and right" for President Johnson to disfranchise all the wealthy white men under his policy of reconstruction. But not so the just and conciliatory rule of Congress that enfranchised all alike, white and black, rich and poor.

RAPACITY AND VILLAINY.

Speaking again of those who support you in the South, you say, Mr. Greeley, "they desire a rule which, alike for white and black, shall encourage industry and thrift, and discourage rapacity and villainy." Did they desire this equal and beneficent rule in 1865, when they passed vagrant laws whereby blacks were to be sold to service, and made it a crime punishable with death or imprisonment for life for a negro to steal a bacon ham or a bushel of meal? Do they desire it now in this current month, when they are passing poll tax and other laws in the Georgia Legislature that will exclude blacks from the school house, the jury box and the ballot box? Do you find it in the laws lately passed to make the violation of a labor contract by a negro felony, and the employment by a third party of a negro claimed as under contract to a white man, a penal offense? Is the following advertisement, which I cut from a late Georgia paper, evidence to your mind that the desire for "a rule which, alike for white and black, shall encourage industry and thrift, and discourage rapacity and villainy," is being indulged by those who support you in the South?

RUNAWAY NEGRO.

Archey Martin: a negro man who made a con-

tract to work for me the present year, ran away about the first of February, without the slightest provocation. He is about Atlanta, as I have been informed. I will prosecute, to the extent of the law, any person hiring him. J. H. Mitchell.
April 17. tf.

CONCLUSION.

You are reported to have spoken, Mr. Greeley, in your extempore remarks at the Falmouth House, Portland, in response to a serenade in the evening, as follows: "The sixty years that have passed over my head have taught me broader charity and kindlier consideration for those with whom I have differed. I have learned to believe that there may be reason on the opposite side." Did you forget that teaching of sixty years when you were carefully writing out and reading from manuscript your slanders in the morning, or is your "broader charity and kindlier consideration" reserved exclusively for those in the South who have become "reconciled to the necessity of supporting you?" Will you make an effort to undo the wrong you have done the Georgia Republicans and myself, when in future you prepare a speech, will you have even the narrow charity to confine your utterances to that which you know, or even believe to be true?

REUBEN B. BULLOCK.

August, 1872.

